

JASON SMITH
ANTHONY JORDAN vs TIMOTHY EVANS

September 20, 2017

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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 ANTHONY JORDAN, KENNETH)</p> <p>5 GREENLAW, THEODIS CHAPMAN,)</p> <p>6 and PATRICK NELSON, on behalf)</p> <p>7 of themselves and others)</p> <p>8 similarly situated,)</p> <p>9 Plaintiffs,)</p> <p>10 vs.) No. 15-cv-5907</p> <p>11 TIMOTHY EVANS, CHIEF JUDGE OF)</p> <p>12 THE CIRCUIT COURT OF COOK)</p> <p>13 COUNTY,)</p> <p>14 Defendant.)</p> <p>15</p> <p>16 The deposition of JASON SMITH, called</p> <p>17 for examination, taken pursuant to the Federal</p> <p>18 Rules of Civil Procedure of the United States</p> <p>19 District Courts pertaining to the taking of</p> <p>20 depositions, taken before KRISTIN C. BRAJKOVICH, a</p> <p>21 Certified Shorthand Reporter, CSR. No. 84-3810, of</p> <p>22 said state, at Suite 1300, 100 West Randolph</p> <p>23 Street, Chicago, Illinois, on the 20th day of</p> <p>24 September, A.D. 2017, at 10:23 p.m.</p>	<p style="text-align: right;">Page 3</p> <p>1 (WHEREUPON, the witness was duly</p> <p>2 sworn.)</p> <p>3 JASON SMITH,</p> <p>4 called as a witness herein, having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. HAYES:</p> <p>8 Q. Good morning, Mr. Smith. My name is</p> <p>9 John Hayes. I'm representing the defendant in this</p> <p>10 case, Jordan, et al., versus the Cook County -- I'm</p> <p>11 sorry -- the Chief Judge of the Circuit Court of</p> <p>12 Cook County.</p> <p>13 MR. HAYES: Let the record reflect this is the</p> <p>14 deposition of plaintiff, Jason Smith, in the just</p> <p>15 mentioned case filed in the U.S. District Court for</p> <p>16 the Northern District of Illinois. The deposition</p> <p>17 is subject to all applicable federal rules.</p> <p>18 BY MR. HAYES:</p> <p>19 Q. Mr. Smith, I'm just going to go over</p> <p>20 some ground rules. First, do you understand that</p> <p>21 you are under the same obligation to tell the truth</p> <p>22 today as you would in front of a judge or jury?</p> <p>23 A. Yes.</p> <p>24 Q. In terms of answering, I'm going to need</p>
<p style="text-align: right;">Page 2</p> <p>1 PRESENT:</p> <p>2</p> <p>3 DESPRES, SCHWARTZ & GEOGHEGAN, LTD.,</p> <p>4 (77 West Washington Street, Suite 711,</p> <p>5 Chicago, Illinois 60602,</p> <p>6 1-312-372-2511), by:</p> <p>7 MR. THOMAS H. GEOGHEGAN,</p> <p>8 tgeoghegan@dsgchicago.com,</p> <p>9 appeared on behalf of the Plaintiffs;</p> <p>10</p> <p>11 OFFICE OF THE ATTORNEY GENERAL,</p> <p>12 STATE OF ILLINOIS,</p> <p>13 ATTORNEY GENERAL LISA MADIGAN,</p> <p>14 (100 West Randolph Street,</p> <p>15 Chicago, Illinois 60601,</p> <p>16 1-312-814-5022), by:</p> <p>17 MR. JOHN HAYES,</p> <p>18 jhayes@atg.state.il.us,</p> <p>19 appeared on behalf of the Defendant.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: KRISTIN C. BRAJKOVICH,</p> <p>24 CSR No. 84-3810.</p>	<p style="text-align: right;">Page 4</p> <p>1 you to say yes or no, so all of your answers need</p> <p>2 to be verbal. The court reporter can't take down</p> <p>3 nods, shakes of the head, gestures, things like</p> <p>4 that. Do you understand?</p> <p>5 A. Yes.</p> <p>6 Q. Another thing, in terms of answering,</p> <p>7 you may anticipate where I'm going with the</p> <p>8 question, but wait until I finish it so she can get</p> <p>9 a clean record of it and then you can answer. And</p> <p>10 I will do my best to do the same thing. If you are</p> <p>11 answering, I'll let you finish and then I'll talk.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. Occasionally, your counsel here may</p> <p>15 object. That is fine, but unless he directs you</p> <p>16 not to answer, you still need to answer the</p> <p>17 question. Do you understand that?</p> <p>18 A. Yes.</p> <p>19 Q. If you don't understand a question, just</p> <p>20 let me know, and I'll rephrase it or repeat it or</p> <p>21 whatever. Okay?</p> <p>22 A. Yes.</p> <p>23 Q. If you need a break, that's fine. Just</p> <p>24 let me know. I know sometimes this can get kind of</p>

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<p style="text-align: right;">Page 5</p> <p>1 tedious, so just let me know. The only thing that</p> <p>2 I ask is that if I have a question pending, you</p> <p>3 wait until you answer the question to take a break.</p> <p>4 Okay?</p> <p>5 A. Yes.</p> <p>6 Q. Are you taking any medication that would</p> <p>7 affect your ability to testify today?</p> <p>8 A. No.</p> <p>9 Q. All right. Is there any reason that you</p> <p>10 can think of that would prevent you from answering</p> <p>11 truthfully today?</p> <p>12 A. No.</p> <p>13 Q. Have you ever been deposed before?</p> <p>14 A. No.</p> <p>15 Q. Have you yourself ever filed a lawsuit</p> <p>16 before?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a defendant to a</p> <p>19 lawsuit before?</p> <p>20 A. No.</p> <p>21 Q. As, you know, Tom had mentioned earlier,</p> <p>22 he's going to be asserting attorney-client</p> <p>23 privilege, and so I'm going to ask you some</p> <p>24 questions about what you did to prepare for your</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Maybe about a half an hour to an hour.</p> <p>2 Q. So they were separate meetings?</p> <p>3 A. Well, Mike Persoon came in kind of at</p> <p>4 the end.</p> <p>5 Q. That's fine. Did you review any</p> <p>6 documents at this meeting?</p> <p>7 A. At this meeting?</p> <p>8 Q. At the meeting that we are talking</p> <p>9 about, yeah, with your attorneys.</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall what documents those were?</p> <p>12 MR. GEOGHEGAN: Well, I object to any</p> <p>13 discussion of documents that might reveal -- or I</p> <p>14 object to this question on attorney-client</p> <p>15 privilege. You can ask him what documents he</p> <p>16 looked at.</p> <p>17 MR. HAYES: Isn't that what I asked?</p> <p>18 MR. GEOGHEGAN: No. You asked in the presence</p> <p>19 of your lawyers what documents did you look at.</p> <p>20 BY MR. HAYES:</p> <p>21 Q. Okay. What documents did you review to</p> <p>22 prepare for this deposition today?</p> <p>23 A. I reviewed the documents that I have had</p> <p>24 in my possession since 2010, 2011, maybe 2012.</p>
<p style="text-align: right;">Page 6</p> <p>1 dep. I don't want to know at this point what you</p> <p>2 talked to him about in terms of preparing, but I'm</p> <p>3 just going to ask you some general questions.</p> <p>4 Okay?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So what did you do to prepare for</p> <p>7 your deposition today?</p> <p>8 A. I met with the firm.</p> <p>9 Q. Okay. By "the firm," do you mean</p> <p>10 Mr. Geoghegan here?</p> <p>11 A. And other attorneys as well.</p> <p>12 Q. Okay. Would that have been Mr. Persoon?</p> <p>13 A. Yes.</p> <p>14 Q. Anyone else in the room?</p> <p>15 A. No.</p> <p>16 Q. And when did you meet with him?</p> <p>17 A. I can't recall.</p> <p>18 Q. Okay. Was it within the last week or</p> <p>19 so?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. About how long was that meeting?</p> <p>22 A. Maybe about either -- with Geoghegan or</p> <p>23 with Persoon?</p> <p>24 Q. Let's start with Geoghegan first.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. And specifically what documents</p> <p>2 are you referring to?</p> <p>3 A. Just correspondence that I have sent to</p> <p>4 the chief judge, to Mike Rohan, to Rose Golden, to</p> <p>5 William Patterson, to deputy chief probation</p> <p>6 officers, information that I have sent to the</p> <p>7 plaintiffs in the case, information that I have</p> <p>8 sent to possibly other entities in regards to the</p> <p>9 systemic issues that was impacting on the Office of</p> <p>10 the Chief Judge.</p> <p>11 Q. Can you ballpark, how many pages are we</p> <p>12 talking about here?</p> <p>13 A. Over 8,000.</p> <p>14 Q. Okay. And these are all in your</p> <p>15 personal possession?</p> <p>16 A. Yes.</p> <p>17 Q. And these, you know, 8,000-plus pages,</p> <p>18 do they all refer to the allegations in this</p> <p>19 lawsuit, or are there some that are outside?</p> <p>20 A. I think the bulk of the information</p> <p>21 particular to this issue is pertaining to the</p> <p>22 issues that was impacting juvenile probation.</p> <p>23 Q. All right.</p> <p>24 A. So I think all of the documents kind of</p>

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<p style="text-align: right;">Page 9</p> <p>1 lead back to the same issue, to be quite honest</p> <p>2 with you.</p> <p>3 Q. The issues that are in this lawsuit?</p> <p>4 A. Well, not just those particular issues</p> <p>5 that are present, but like I have said before, I</p> <p>6 think I believe that there was a systemic issue of</p> <p>7 systematically racial discrimination taking place</p> <p>8 in juvenile probation.</p> <p>9 Q. And these documents, you said, were</p> <p>10 starting around 2010; is that right?</p> <p>11 A. I believe so.</p> <p>12 Q. And I wrote 2012 here. Is that where</p> <p>13 they end, or do they go up to the present?</p> <p>14 A. They kind of go up to the present</p> <p>15 because probation officers are still complaining</p> <p>16 about racial discrimination within the department.</p> <p>17 Q. All right. When you say department --</p> <p>18 and I'll do this, too -- you are referring to the</p> <p>19 juvenile probation department; is that right?</p> <p>20 A. No.</p> <p>21 Q. What are you referring to?</p> <p>22 A. I'm referring to the Office of the Chief</p> <p>23 Judge, his department plus the juvenile probation</p> <p>24 department.</p>	<p style="text-align: right;">Page 11</p> <p>1 make sure that when you say "department," you</p> <p>2 either clarify what you are referring to going</p> <p>3 forward. Does that make sense?</p> <p>4 A. Sure. So we can clarify that the chief</p> <p>5 judge is the employer.</p> <p>6 Q. We'll get into that.</p> <p>7 A. Okay. I just want to make sure.</p> <p>8 Q. No. I'm aware of the position of the</p> <p>9 plaintiffs on that.</p> <p>10 A. Well, the collective bargaining</p> <p>11 agreement.</p> <p>12 Q. I'm not getting into the legal</p> <p>13 arguments. I just wanted to make a clear record.</p> <p>14 So why don't we start with -- so we have</p> <p>15 the Office of the Chief Judge, right?</p> <p>16 A. Right.</p> <p>17 Q. And what does -- what is your</p> <p>18 understanding of what the Office of the Chief Judge</p> <p>19 oversees?</p> <p>20 A. It oversees the adult probation</p> <p>21 department, juvenile probation department, social</p> <p>22 services department, forensics, the clinical</p> <p>23 department, and some other departments that are</p> <p>24 under the chief judge, the Juvenile Temporary</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. You view them as the same entity?</p> <p>2 A. I do. The department doesn't.</p> <p>3 Q. Okay. And I think we just need to kind</p> <p>4 of clarify where we are going. If you are saying</p> <p>5 "department" and you are referring to the Office of</p> <p>6 the Chief Judge, and then I know that other -- or</p> <p>7 at least I refer to it as the JPD, which is the</p> <p>8 juvenile probation department, as "the department."</p> <p>9 So I guess if you don't clarify, I will do it. If</p> <p>10 we can try to stick to JPD for the juvenile</p> <p>11 probation department. Is that okay?</p> <p>12 A. No.</p> <p>13 Q. You don't want to call it the JPD?</p> <p>14 A. Department or --</p> <p>15 Q. I'm just trying to get -- I know. I'm</p> <p>16 kind of confused too. I'm just trying to get a</p> <p>17 clear record because we are going to get this</p> <p>18 written transcript back, and the things are going</p> <p>19 to say "department." When you say "department," if</p> <p>20 you are referring to the Office of the Chief Judge</p> <p>21 and not the juvenile probation department, it's not</p> <p>22 going to be clear. Or sometimes if you say</p> <p>23 "department" and maybe you are referring to the</p> <p>24 JPD, it's just going to be confusing. So I want to</p>	<p style="text-align: right;">Page 12</p> <p>1 Detention Center.</p> <p>2 Q. So there are several different</p> <p>3 departments under the Office of the Chief Judge; is</p> <p>4 that right?</p> <p>5 A. Yes.</p> <p>6 Q. I just wanted a clear record. I'm not</p> <p>7 trying to box you in to some legal argument here.</p> <p>8 A. I understand.</p> <p>9 Q. Outside of, you know, the -- your</p> <p>10 attorneys here, have you spoken with anyone else</p> <p>11 about your deposition in the last month or so?</p> <p>12 A. Just my fiancée.</p> <p>13 Q. Did you speak to the other plaintiffs in</p> <p>14 this case about your deposition?</p> <p>15 A. No.</p> <p>16 Q. Have you spoken to any of your other</p> <p>17 coworkers about your deposition today?</p> <p>18 A. I believe my supervisor knows about my</p> <p>19 deposition today because I had to take a leave.</p> <p>20 Q. And who is your supervisor?</p> <p>21 A. Benny Blair.</p> <p>22 Q. Benny?</p> <p>23 A. Yes.</p> <p>24 Q. Blair?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A. Yes.</p> <p>2 Q. B-l-a-i-r, does that sound right?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. Okay. Outside of Mr. Blair, have you</p> <p>5 talked to any other coworker about your deposition</p> <p>6 today?</p> <p>7 A. Not that I can recall.</p> <p>8 Q. I'm just going to go over some</p> <p>9 background questions here. Mr. Smith, what is your</p> <p>10 date of birth?</p> <p>11 A. 9/21/78.</p> <p>12 Q. Happy pre-birthday. For the record,</p> <p>13 what is your race?</p> <p>14 A. I'm African-American.</p> <p>15 Q. Are you married -- I'm sorry. You are</p> <p>16 not married, right, because you just mentioned your</p> <p>17 fiancée; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you have any children?</p> <p>20 A. No.</p> <p>21 Q. How far have you gone in school?</p> <p>22 A. I have my master's degree.</p> <p>23 Q. From where?</p> <p>24 A. From Governors State University.</p>	<p style="text-align: right;">Page 15</p> <p>1 probation officer trainee.</p> <p>2 Q. And how long were you a trainee for?</p> <p>3 A. About seven weeks.</p> <p>4 Q. And then what happened?</p> <p>5 A. I completed all of the prereqs, passed</p> <p>6 the final exam, and became a probation officer and</p> <p>7 was sworn in.</p> <p>8 Q. Sometime -- would that be sometime in</p> <p>9 June or July of 2003?</p> <p>10 A. June, yes.</p> <p>11 Q. And where were you first stationed?</p> <p>12 A. I was first stationed in home</p> <p>13 confinement, electronic monitoring.</p> <p>14 Q. And how long were you in electronic</p> <p>15 monitoring for?</p> <p>16 A. Almost 18 months.</p> <p>17 Q. Okay. What were your job</p> <p>18 responsibilities in electronic monitoring?</p> <p>19 A. My job responsibilities were to go out</p> <p>20 into the field, make sure that the juveniles was at</p> <p>21 home because they were under house arrest, to</p> <p>22 monitor their movement, to give them permission to</p> <p>23 move, to go to school, go to the doctor, to go to</p> <p>24 church.</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. And when did you get that?</p> <p>2 A. 2009.</p> <p>3 Q. And what is your master's degree in?</p> <p>4 A. Criminal justice.</p> <p>5 Q. What is your bachelor's in?</p> <p>6 A. Business.</p> <p>7 Q. And where is that from?</p> <p>8 A. Governors State University.</p> <p>9 Q. Is that a B.S. or B.A.?</p> <p>10 A. B.A.</p> <p>11 Q. When did you get that?</p> <p>12 A. 2002.</p> <p>13 Q. Any other education past your master's</p> <p>14 degree?</p> <p>15 A. No.</p> <p>16 Q. Kind of another general question. Have</p> <p>17 you ever been convicted of a felony?</p> <p>18 A. No.</p> <p>19 Q. All right. Now I'm going to talk about</p> <p>20 your employment history a little bit. When did you</p> <p>21 first start your employment with the JPD?</p> <p>22 A. April 3, 2003.</p> <p>23 Q. And what was your position at that time?</p> <p>24 A. Initially, at that time I was a</p>	<p style="text-align: right;">Page 16</p> <p>1 In addition to that, my responsibilities</p> <p>2 was to come back, complete whatever necessary</p> <p>3 paperwork, submit it, file any violations of house</p> <p>4 arrest or electronic monitoring, and to testify in</p> <p>5 court.</p> <p>6 Q. After electronic monitoring, where did</p> <p>7 you go?</p> <p>8 A. I elected to go into the field as a</p> <p>9 field probation officer.</p> <p>10 Q. Okay. Is that something that you asked</p> <p>11 to do?</p> <p>12 A. Yes.</p> <p>13 Q. And how does that work, or how did that</p> <p>14 work for you?</p> <p>15 A. So typically in the collective</p> <p>16 bargaining agreement, you have to put in a</p> <p>17 transfer, and when there are openings within that</p> <p>18 unit, the department will grant you your transfer.</p> <p>19 Q. Is that what you did?</p> <p>20 A. I did.</p> <p>21 Q. Okay. And then where were you a field</p> <p>22 probation officer?</p> <p>23 A. I was a field probation officer in the</p> <p>24 Chicago West unit, located in the Lawndale area.</p>

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<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And how long were you in that, I</p> <p>2 guess, location?</p> <p>3 A. I have been in that position for</p> <p>4 13 years.</p> <p>5 Q. You are still there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, we are going back a ways.</p> <p>8 If you remember, when you started at the JPD, what</p> <p>9 was your salary?</p> <p>10 A. I believe my salary was maybe 32.</p> <p>11 Q. 32,000 per year?</p> <p>12 A. Well, I'll be a little bit more</p> <p>13 generous, maybe 38.</p> <p>14 Q. Just roughly. That is fine. What is</p> <p>15 your current salary?</p> <p>16 A. 71.</p> <p>17 Q. So it's safe to say that you have</p> <p>18 received raises over that time period, correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Were all of your raises contractually</p> <p>21 mandated?</p> <p>22 A. Yes.</p> <p>23 Q. And just for the record, you understood</p> <p>24 my question. When I say "contractually mandated,"</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. And you said you were a motivational</p> <p>2 speaker; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And did you say that was for the JPD?</p> <p>5 A. Yes.</p> <p>6 Q. Could you explain what that entailed?</p> <p>7 A. So there was a -- I was employed by the</p> <p>8 West Side Association for Community Action as a</p> <p>9 peer counselor starting in 1995. When the whole</p> <p>10 alternative to detention was implemented, Mike</p> <p>11 Rohan and the juvenile probation department asked</p> <p>12 me to go out and speak on behalf of the alternative</p> <p>13 to detention for juvenile probation. I introduced</p> <p>14 people from various offices, from the Department of</p> <p>15 Justice, went to different probation departments,</p> <p>16 Indiana, flew out to Dallas, Florida, Indiana, and</p> <p>17 Mexico for the KCE Foundation.</p> <p>18 Q. What is that?</p> <p>19 A. It is an organization that provides</p> <p>20 grant funding for certain projects, particularly</p> <p>21 under the juvenile probation department.</p> <p>22 Q. And so what is the time frame that you</p> <p>23 are speaking about on behalf of the JPD?</p> <p>24 A. From 1996 to 2010, 2011.</p>
<p style="text-align: right;">Page 18</p> <p>1 they were called for in the CBA, right?</p> <p>2 A. That's correct.</p> <p>3 Q. Immediately prior to working for the</p> <p>4 JPD, where did you work?</p> <p>5 A. I was a sergeant for the Department of</p> <p>6 Corrections in Wisconsin. I also was a keynote --</p> <p>7 was a speaker, motivational speaker, going out to</p> <p>8 various places on behalf of the department prior to</p> <p>9 my official position as a probation officer.</p> <p>10 Q. We'll take that each one. When you were</p> <p>11 with the Wisconsin Department of Corrections, when</p> <p>12 did you start there?</p> <p>13 A. I believe I started with the Wisconsin</p> <p>14 Department of Corrections in December of 2000.</p> <p>15 Q. And when did you leave there?</p> <p>16 A. I believe it was April of 2002 -- I'm</p> <p>17 sorry -- March of 2002. No, I'm sorry. I'm</p> <p>18 getting my dates confused.</p> <p>19 Q. I understand we are going back a ways.</p> <p>20 A. I had to start with the Wisconsin</p> <p>21 Department of Corrections December of 2001 because</p> <p>22 I left and came to juvenile probation and back to</p> <p>23 Chicago, March of 2003, and then I started my</p> <p>24 assignment at juvenile probation.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. So you were speaking on their behalf</p> <p>2 both prior and during your employment with JPD?</p> <p>3 A. Yes.</p> <p>4 Q. And prior to your employment with JPD,</p> <p>5 did you receive payment for your speaking</p> <p>6 engagements?</p> <p>7 A. I did.</p> <p>8 Q. Approximately how much, if you know?</p> <p>9 A. Each entity would roughly paid me maybe</p> <p>10 about \$900, \$1,000.</p> <p>11 Q. And you mentioned Mike Rohan, and just</p> <p>12 for the record, who is he?</p> <p>13 A. He's the former director of juvenile</p> <p>14 probation.</p> <p>15 Q. I'm going to ask you this question about</p> <p>16 just about everyone you mentioned just because this</p> <p>17 is a race case, but what is his race?</p> <p>18 A. He's white.</p> <p>19 Q. And did you know Mr. Rohan prior to</p> <p>20 being retained for these speaking engagements?</p> <p>21 A. Yes.</p> <p>22 Q. How?</p> <p>23 A. Because the West Side Association for</p> <p>24 Community Action had the evening reporting program,</p>

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<p style="text-align: right;">Page 21</p> <p>1 which was connected to the juvenile probation 2 program as an alternative to detention. 3 Q. When would you say that you first met 4 Mr. Rohan? 5 A. 1996. 6 Q. Okay. Now I just want to focus on your 7 time at JPD. 8 A. Okay. 9 Q. While you have been employed at the JPD, 10 have you received any merit bonuses? 11 A. I have. 12 Q. Could you explain what a merit bonus is? 13 A. A merit bonus is exceeding expectations 14 throughout the course of the year regarding your 15 performance and fulfilling your job expectations 16 and duties. 17 Q. And is a merit bonus something that you 18 get based on a good performance review? 19 A. That's correct. 20 Q. So you would receive that once a year; 21 is that right? 22 A. Yes. 23 Q. Do you know how many times you received 24 a merit bonus during your employment with JPD?</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. Does anyone at the JPD get merit 2 raises -- you know, merit raises that are not 3 mandated on a CBA? 4 A. Yeah. 5 Q. Do you know anybody who has? 6 A. Deputy chief probation officers. 7 Q. So people at the supervisory level? 8 A. Yes, management. 9 Q. Management. Are they in the union or 10 no? 11 A. They are not. 12 Q. So they get raises outside of the union 13 contract, right? 14 A. That's correct. 15 Q. But no one in the union contract will 16 get merit raises; is that right? 17 A. Not that I know of outside of the CBA. 18 Q. During your time at the JPD, have you 19 ever been disciplined? 20 A. No. 21 Q. Have you ever been suspended while at 22 the JPD? 23 A. Could you define suspended? 24 Q. Yeah. Here, we'll use a document. It</p>
<p style="text-align: right;">Page 22</p> <p>1 A. 14 years. 2 Q. So every year? 3 A. Yes. 4 Q. Again, I'm trying to peg down a number 5 here. Do your best. How much are we talking about 6 for these merit bonuses? 7 A. On the average, \$400 a year. 8 Q. Has it gone up over time? 9 A. No, it has not. It all depends on how 10 many probation officers actually exceed in that 11 year, so all of the probation officers split a pot. 12 Q. I see. Outside of these merit bonuses, 13 do you receive any other bonuses or extra pay at 14 JPD? 15 A. No. 16 Q. Okay. 17 A. If you want to count compensatory time. 18 Q. No, we are not counting that, but thanks 19 for thinking of that. 20 Outside of your CBA raises, did you ever 21 receive a merit raise? 22 A. Outside of the CBA? 23 Q. Yeah. 24 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 will be easier. 2 A. Okay. 3 MR. HAYES: No. 1. 4 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit -10:-22:-47 No. 1, for identification.) -10:-22:-47 BY MR. HAYES: 8 Q. Okay. Mr. Smith, you have been handed 9 what has been marked as Exhibit 1. I'm going to -- 10 well, the court reporter will be handing you 11 several exhibits throughout your deposition today, 12 so keep them in front of you and she will collect 13 them at the end. 14 A. Okay. 15 Q. So when I gave them to you, what I want 16 you to do is look it over and then I'm going to ask 17 you some questions about it. Okay? 18 A. Yes. 19 Q. And, for the record, I always like to 20 get the Bates number, which is a little number 21 which is in the right-hand corner. That also helps 22 us to navigate. For the record, the Bates number 23 on Exhibit 1 is Defendant 8538 and 8539. 24 Mr. Smith, have you seen this document</p>

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<p style="text-align: right;">Page 25</p> <p>1 before?</p> <p>2 A. I have.</p> <p>3 Q. And what is that?</p> <p>4 A. It's my reinstatement for falsely being</p> <p>5 accused of a crime that I did not commit.</p> <p>6 Q. And the date of it is November 1, 2010,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. And I'll just read a little bit of it.</p> <p>10 The first sentence says, On May 3, 2010, you are</p> <p>11 informed that effective May 4, 2010, you are being</p> <p>12 temporarily suspended without pay resulting from</p> <p>13 your arrest on April 29, 2010, for domestic</p> <p>14 battery. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. So is it true that you were suspended on</p> <p>17 May 4, 2010?</p> <p>18 A. No.</p> <p>19 Q. You were not suspended?</p> <p>20 A. It's a temporary suspension. It's</p> <p>21 within the CBA. Any time a probation officer is</p> <p>22 arrested, the department can invoke or not invoke</p> <p>23 the temporary suspension.</p> <p>24 Q. And what is a temporary suspension then?</p>	<p style="text-align: right;">Page 27</p> <p>1 don't believe the temporary suspension is</p> <p>2 discipline, right?</p> <p>3 A. According to the department, it was not</p> <p>4 discipline. That is the language that they use.</p> <p>5 Q. Outside of this suspension and the</p> <p>6 temporary suspension in 2010, have you ever</p> <p>7 received any other temporary suspension?</p> <p>8 A. No.</p> <p>9 Q. And it says here that you received the</p> <p>10 pay that you did not get during the temporary</p> <p>11 suspension, right?</p> <p>12 A. They restored me. They gave me all of</p> <p>13 the money that I missed during that time, my</p> <p>14 vacation time, my personal days, and plus they paid</p> <p>15 me out for my compensatory time.</p> <p>16 Q. Is it a policy that an employee of JPD</p> <p>17 goes on temporary suspension when they are</p> <p>18 arrested?</p> <p>19 A. Yes.</p> <p>20 Q. Are you aware of other JPD employees</p> <p>21 being put on temporary suspension when they have</p> <p>22 been arrested?</p> <p>23 A. Yes, and some not.</p> <p>24 Q. So during your time at JPD, you have</p>
<p style="text-align: right;">Page 26</p> <p>1 A. A temporary suspension is when the</p> <p>2 department believes that you are a threat to the</p> <p>3 work force or that you have been arrested.</p> <p>4 Q. And that is in the CBA?</p> <p>5 A. Yes, it is.</p> <p>6 Q. All right. And it's different from a</p> <p>7 regular suspension?</p> <p>8 A. Yes.</p> <p>9 Q. All right. What is a regular</p> <p>10 suspension?</p> <p>11 A. It's actually discipline.</p> <p>12 Q. All right. So we'll take this in two</p> <p>13 steps. First, you don't consider the temporary</p> <p>14 suspension discipline; is that right?</p> <p>15 A. It's not.</p> <p>16 Q. And is that written in the CBA?</p> <p>17 A. It's spelled out in the CBA that the</p> <p>18 only thing that you can get for discipline is</p> <p>19 verbal, written reprimand, suspension, or</p> <p>20 termination. It does not say temporary suspension.</p> <p>21 And that is something that has been negotiated with</p> <p>22 the chief judge in all of the CBAs.</p> <p>23 Q. So when I asked you if you had received</p> <p>24 discipline, you said no, and that is because you</p>	<p style="text-align: right;">Page 28</p> <p>1 never received a verbal reprimand?</p> <p>2 A. No.</p> <p>3 Q. Or a written reprimand?</p> <p>4 A. No.</p> <p>5 Q. Or a regular suspension?</p> <p>6 A. No.</p> <p>7 Q. Was there anything else that was</p> <p>8 discipline? I can't remember.</p> <p>9 A. Just termination.</p> <p>10 Q. And you clearly have not been</p> <p>11 terminated, right?</p> <p>12 A. Correct.</p> <p>13 Q. As an employee of the JPD, are you in a</p> <p>14 union?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Which one?</p> <p>17 A. AFSCME Local 3477.</p> <p>18 Q. And would that be for your entire time</p> <p>19 employed with the JPD?</p> <p>20 A. Yes.</p> <p>21 Q. During your employment with JPD, have</p> <p>22 you held any position within the union?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Could you describe those, please?</p>

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<p style="text-align: right;">Page 29</p> <p>1 A. I started off as a steward.</p> <p>2 Q. Give me when that was.</p> <p>3 A. 2011.</p> <p>4 Q. And just briefly, what does a steward</p> <p>5 do?</p> <p>6 A. A steward represents members in the</p> <p>7 bargaining unit. They try to resolve grievances,</p> <p>8 they file grievances, they speak to management</p> <p>9 regarding violation of the policies or the CBA.</p> <p>10 Q. Okay. And how long were you a steward</p> <p>11 for?</p> <p>12 MR. GEOGHEGAN: Off the record.</p> <p>13 (WHEREUPON, discussion was had off</p> <p>14 the record.)</p> <p>15 BY MR. HAYES:</p> <p>16 Q. How long were a steward for?</p> <p>17 A. About a year -- I'm sorry. Five years.</p> <p>18 Q. So you were a steward approximately 2011</p> <p>19 through 2016, does that sound right?</p> <p>20 A. Yes.</p> <p>21 Q. During your time at the JPD, did you</p> <p>22 hold any elected position in any way?</p> <p>23 A. Vice president.</p> <p>24 Q. When was that?</p>	<p style="text-align: right;">Page 31</p> <p>1 one, if you know, as you sit here today?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Any other positions in the union during</p> <p>4 your employment with JPD?</p> <p>5 A. I was the political action committee</p> <p>6 chairperson.</p> <p>7 Q. First, when was that?</p> <p>8 A. 2012, I believe.</p> <p>9 Q. Okay. For how long?</p> <p>10 A. No, it was 2011. For maybe about a</p> <p>11 year.</p> <p>12 Q. And now what is that?</p> <p>13 A. It's a position where they go out, they</p> <p>14 try to meet with certain politicians, they</p> <p>15 participate in certain political events, they back</p> <p>16 certain candidates, they give recommendations about</p> <p>17 certain candidates who is running for office to ask</p> <p>18 and counsel to everyone.</p> <p>19 Q. That sounds familiar. Was either</p> <p>20 Mr. Nelson or Mr. Chapman in that role at some</p> <p>21 point?</p> <p>22 A. Yes.</p> <p>23 Q. Which one or both, if you know?</p> <p>24 A. I believe Mr. Chapman was in that role.</p>
<p style="text-align: right;">Page 30</p> <p>1 A. 2012.</p> <p>2 Q. For how long?</p> <p>3 A. To 2014.</p> <p>4 Q. And who was the president at that time?</p> <p>5 A. In 2014?</p> <p>6 Q. 2012 to 2014.</p> <p>7 A. Avik Das -- no. I'm sorry. Mike</p> <p>8 Willis.</p> <p>9 Q. After vice president did you hold any</p> <p>10 other role in the union?</p> <p>11 A. I became president.</p> <p>12 Q. In what year?</p> <p>13 A. 2014.</p> <p>14 Q. All right. That is elected, right?</p> <p>15 A. Vice president and president, yes.</p> <p>16 Q. And how long were you president for?</p> <p>17 A. Two years.</p> <p>18 Q. Through 2016?</p> <p>19 A. Yes.</p> <p>20 Q. Who is the president now?</p> <p>21 A. Lloyd Marshall.</p> <p>22 Q. When is the next election?</p> <p>23 A. 2018.</p> <p>24 Q. All right. Are you going to run in that</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Would that have been before or after</p> <p>2 you, if you know?</p> <p>3 A. I believe it was after me.</p> <p>4 Q. All right. During the whole time you</p> <p>5 were vice president and president, you were also a</p> <p>6 steward; is that right?</p> <p>7 A. That's correct.</p> <p>8 Q. How does one become a steward?</p> <p>9 A. It all depends on who is actually the</p> <p>10 leadership for the union. Normally, for my</p> <p>11 particular situation, I was asked to become a</p> <p>12 steward.</p> <p>13 Q. Who asked you?</p> <p>14 A. Avik Das.</p> <p>15 Q. I'm imagining, he's going to come up a</p> <p>16 lot today, so let say, who is Avik Das?</p> <p>17 A. Avik Das right now is the chief</p> <p>18 probation officer/acting director of juvenile</p> <p>19 probation.</p> <p>20 Q. And, again, what is his race, if you</p> <p>21 know?</p> <p>22 A. I believe he is -- I don't know, Indian.</p> <p>23 Q. How long have you known Mr. Das?</p> <p>24 A. Since 2011.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. You are not a steward right now, right?</p> <p>2 You are not a steward now, right?</p> <p>3 A. Yes.</p> <p>4 Q. Do you want to be a steward now?</p> <p>5 A. No.</p> <p>6 Q. While you were vice president and</p> <p>7 president of the union, how much of your time would</p> <p>8 you spend on union activities?</p> <p>9 A. I believe throughout my tenure, some</p> <p>10 people would tell you that I slept and ate my union</p> <p>11 activities.</p> <p>12 Q. I'm sorry. That you what?</p> <p>13 A. That I slept and ate, so from the</p> <p>14 morning to the night. Even at night, just becoming</p> <p>15 familiar with certain laws, the CBA, the Illinois</p> <p>16 Public Labor Relations Act, and different aspects</p> <p>17 of certain laws that impact bargaining members,</p> <p>18 their constitutional rights, their civil rights. I</p> <p>19 pretty much studied day and night.</p> <p>20 Q. While you were either president or vice</p> <p>21 president of the union, did you still maintain an</p> <p>22 active caseload?</p> <p>23 A. Yes.</p> <p>24 Q. So that does not change, based on your</p>	<p style="text-align: right;">Page 35</p> <p>1 ever made any direct decisions regarding your</p> <p>2 employment?</p> <p>3 A. Yes.</p> <p>4 Q. And what were they?</p> <p>5 A. I'm assuming to hire me.</p> <p>6 Q. You say "assuming." Why would you</p> <p>7 assume that?</p> <p>8 A. Outside of the law?</p> <p>9 Q. Yeah.</p> <p>10 A. I believe that I had to submit my</p> <p>11 credentials to the administrative offices of the</p> <p>12 Illinois courts. I had to apply to his office. He</p> <p>13 is the chief judge, so he makes the final decision</p> <p>14 and all decisions regarding the probation officers.</p> <p>15 Q. How do you know he makes the final</p> <p>16 decision -- let me strike that because I know where</p> <p>17 you might go with that.</p> <p>18 Do you have any personal knowledge of</p> <p>19 him making the final decision of -- final</p> <p>20 employment decisions of JPD employees?</p> <p>21 MR. GEOGHEGAN: Objection. That question,</p> <p>22 first of all, calls for a legal conclusion in and</p> <p>23 of itself, but it needs some clarification, I</p> <p>24 think.</p>
<p style="text-align: right;">Page 34</p> <p>1 role in the union?</p> <p>2 A. No.</p> <p>3 Q. Okay. We have touched upon this a</p> <p>4 little bit, but I want to ask you some questions</p> <p>5 about the chief judge. Are you familiar with the</p> <p>6 chief judge of the Circuit Court of Cook County?</p> <p>7 A. I am.</p> <p>8 Q. And who is he?</p> <p>9 A. Timothy Evans.</p> <p>10 Q. And do you consider him your employer?</p> <p>11 A. He is the employer.</p> <p>12 Q. Why do you say that?</p> <p>13 A. Well, according to the law, according to</p> <p>14 the CBA, according to the arbitration decisions,</p> <p>15 they all say that the chief judge is the ultimate</p> <p>16 employer. There was a lawsuit filed by AFSCME</p> <p>17 Council 31 regarding the chief judges in the</p> <p>18 different counties, and there was a dispute</p> <p>19 regarding if Cook County was a dual employer.</p> <p>20 It was determined by the Court that the</p> <p>21 chief judge was the employer for the probation</p> <p>22 officers.</p> <p>23 Q. Setting aside the law for a second, your</p> <p>24 experience working at the JPD, has the chief judge</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MR. HAYES:</p> <p>2 Q. All right. It was a little roundabout.</p> <p>3 Do you have any personal knowledge of</p> <p>4 Judge Evans making any decisions regarding your</p> <p>5 employment while at JPD?</p> <p>6 A. Regarding my employment? Outside of the</p> <p>7 CBA and the law, no.</p> <p>8 Q. Okay.</p> <p>9 MR. GEOGHEGAN: I'm assuming for the record</p> <p>10 here, some firsthand observation of the judge doing</p> <p>11 something?</p> <p>12 MR. HAYES: I said personal knowledge, so that</p> <p>13 should have -- I think it comes --</p> <p>14 BY THE WITNESS:</p> <p>15 A. That affects me personally?</p> <p>16 BY MR. HAYES:</p> <p>17 Q. Right, your employment personally.</p> <p>18 MR. GEOGHEGAN: That you saw or have direct --</p> <p>19 BY MR. HAYES:</p> <p>20 Q. Right. That is what I was subsuming</p> <p>21 into personal knowledge.</p> <p>22 A. Well, I mean, outside of him sending me</p> <p>23 a letter congratulating me on a well speech when I</p> <p>24 was a keynote speaker in Oak Brook, I'm assuming</p>

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<p style="text-align: right;">Page 37</p> <p>1 not.</p> <p>2 Q. So you got a personal letter from Judge</p> <p>3 Evans?</p> <p>4 A. Yes.</p> <p>5 Q. When was that?</p> <p>6 A. June of 2003.</p> <p>7 Q. Okay. Have you ever -- have you</p> <p>8 received any other direct correspondence from Judge</p> <p>9 Evans while working at the JPD?</p> <p>10 And let me clarify that. There is lots</p> <p>11 of documents that have him on the letterhead. I</p> <p>12 know that, but when I say "personal</p> <p>13 correspondence," I say signed by him or an e-mail</p> <p>14 from him.</p> <p>15 MR. GEOGHEGAN: Let me see if I understand the</p> <p>16 question. You mean, does he have documents that he</p> <p>17 received either in a personal capacity or union</p> <p>18 officer capacity or any other capacity that have</p> <p>19 been signed by Judge Evans?</p> <p>20 MR. HAYES: Sure. That is a good question.</p> <p>21 THE WITNESS: I don't know if that is what he</p> <p>22 means or not, but those are certain things --</p> <p>23 MR. GEOGHEGAN: You don't have to produce any</p> <p>24 documents.</p>	<p style="text-align: right;">Page 39</p> <p>1 limited basis by the probation and Probation</p> <p>2 Officer Act, JPOs have not traditionally exercised</p> <p>3 this authority.</p> <p>4 And this is in regards to the Aaron</p> <p>5 Parks case and why that certain kid was not</p> <p>6 arrested, because EM officers don't have the</p> <p>7 authority to go out to arrest, and then he talks</p> <p>8 about his concern about firearms. This idea will</p> <p>9 have an erosion effect on the supportive</p> <p>10 relationship that is the characteristic of JPO</p> <p>11 work. Moreover, probation officer powers of arrest</p> <p>12 are limited to the violation of the terms of</p> <p>13 probation, which are not necessarily the same as a</p> <p>14 violation of the terms of EM.</p> <p>15 That we stand with the youth and are not</p> <p>16 afraid of them, despite the fact that the majority</p> <p>17 of the youth are the ones who are committing these</p> <p>18 violent acts within the City of Chicago. I am</p> <p>19 concerned about the compassionate face of our</p> <p>20 juvenile court and judges that JPO provide, and we</p> <p>21 strive to reflect the rehabilitative values of</p> <p>22 juvenile justice and the idea that JPOs are</p> <p>23 resources and support to young people and</p> <p>24 communities struggling with violence and crime. I</p>
<p style="text-align: right;">Page 38</p> <p>1 THE WITNESS: Okay. I gave them to them.</p> <p>2 BY MR. HAYES:</p> <p>3 Q. Well, let the record show that you just</p> <p>4 showed your attorneys some documents, so what</p> <p>5 documents did you bring with you today?</p> <p>6 A. The letter that the chief judge wrote to</p> <p>7 Commissioner Moore regarding the JPD officers not</p> <p>8 being able to arrest regarding the improvement of</p> <p>9 EM, where he mentioned that EM is now a 24-hour EM</p> <p>10 responsive shift. He talks about why juvenile</p> <p>11 probation officers don't carry firearms because you</p> <p>12 worry about the juvenile probation department</p> <p>13 image. The reason why juvenile probation officers</p> <p>14 don't arrest. Regarding the request that he filled</p> <p>15 the chief probation officer position.</p> <p>16 Also he talks about the tasks for each</p> <p>17 officer and how EM has been vastly improved. The</p> <p>18 judges making decisions --</p> <p>19 Q. Okay. And these --</p> <p>20 A. He talks about the violence in the</p> <p>21 community. He also cites that -- you have also</p> <p>22 asked that we provide the probation officers the</p> <p>23 power to arrest juvenile offenders who violate the</p> <p>24 terms of the EM. While this is allowed on a</p>	<p style="text-align: right;">Page 40</p> <p>1 mean, I don't know if that is --</p> <p>2 Q. That is fine. Since you are reading</p> <p>3 from them, I have those, I have seen those, but I</p> <p>4 would like to make those an exhibit just because</p> <p>5 rather than not have to go dig through them. So</p> <p>6 I'll make copies, but can you leave them out?</p> <p>7 MR. GEOGHEGAN: Leave them?</p> <p>8 MR. HAYES: Yeah. Can we go off the record?</p> <p>9 (WHEREUPON, discussion was had off</p> <p>10 the record and Exhibit No. 2 was</p> <p>11 marked for identification.)</p> <p>12 MR. HAYES: Okay. Back on.</p> <p>13 BY MR. HAYES:</p> <p>14 Q. Mr. Smith, I just handed you what has</p> <p>15 been marked as Deposition Exhibit 2. These are the</p> <p>16 documents that you brought with you today -- some</p> <p>17 of the documents that you brought with you today</p> <p>18 that you were just reading from; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. All right. I'll put that aside for now.</p> <p>21 Going back to my question, I just -- I think I just</p> <p>22 want a yes or no, if you remember.</p> <p>23 During your time at JPD, did you --</p> <p>24 other than the letter that we already discussed,</p>

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<p style="text-align: right;">Page 41</p> <p>1 did you personally receive any other correspondence 2 from Chief Judge Evans, for example, to Jason Smith 3 from Timothy Evans? 4 A. Not that I can recall at this time, but 5 I'm sure if I had more paperwork or more of my 6 documents, I could provide a more direct answer. 7 Q. As you are sitting here now, you can't 8 think of anything, right? 9 A. Not at this time. 10 Q. Okay. And I believe you testified that 11 you believed Judge Evans was involved in your 12 hiring; is that right? 13 A. Yes. 14 Q. Were there any other facets of your 15 employment that you believe Judge Evans was 16 directly involved in? 17 A. Besides the fact that Mike Rohan told me 18 that he would speak to the chief judge about me 19 becoming a probation officer if I spoke out in 20 Oak Brook, no. 21 Q. In your position as field probation 22 officer, who is your direct supervisor now? 23 A. Benny Blair. 24 Q. And what is Mr. Blair's title?</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Davoren, yes. 2 Q. And what is her race? 3 A. She's white. 4 Q. Is she with JPD anymore? 5 A. I think so. I think she's out in 6 Skokie. 7 Q. And she was your direct supervisor -- 8 was it supervisory probation officer; is that 9 right? 10 A. Yes. 11 Q. When you received your temporary 12 suspension in 2010, do you know who made the 13 decision to do that? 14 A. I believe it was Mike Rohan. 15 Q. And what was his position at that time? 16 A. He was the director. 17 Q. Of? 18 A. Juvenile probation. 19 Q. Just for the record. Have you ever 20 personally met Chief Judge Evans? 21 A. Yes. 22 Q. How many times? 23 A. Over -- maybe over 10 to 15. 24 Q. And if you can generalize, great. If</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Supervisor, probation officer. 2 Q. And then who is Mr. Blair's supervisor? 3 A. Mr. Dennis Alexander. 4 Q. And what is his title? 5 A. He's the deputy chief probation officer. 6 Q. The race of Mr. Blair, I don't think 7 that we have that? 8 A. He's African-American. 9 Q. Mr. Alexander's race? 10 A. He's African-American. 11 Q. So who -- who tells you what to do on a 12 daily basis in terms of your duties as a field 13 probation officer? 14 A. Mr. Blair. 15 Q. And then I'm sure you have had different 16 supervisors while you have been employed at JPD, 17 right? 18 A. Just one more. 19 Q. Oh, and who was that? 20 A. Mary Davoren. 21 Q. Could you take a stab at spelling that 22 last name? 23 A. D-a-v-o-r-e-n. 24 Q. Davoren; is that right?</p>	<p style="text-align: right;">Page 44</p> <p>1 not, then give me specifics. What were the reasons 2 for you meeting with the chief judge? 3 A. The first time was he congratulated me 4 on a speech. I tried to make appointments with his 5 office to talk about what was taking place in 6 juvenile probation. I saw him at different 7 commission meetings, Cook County board meetings, 8 and spoke to him on several occasions when he would 9 actually appear. I believe that I met him a couple 10 of times when he would come down to juvenile 11 probation for different events. So, yeah, I met 12 him a couple of times. 13 Q. Did you ever have a sit down meeting 14 with Chief Judge Evans regarding any allegations of 15 discrimination in the JPD? 16 A. No. I tried several times to make 17 appointments with his office. I would always get 18 his secretary. She would refer me to his 19 voicemail, but I did -- 20 Q. Sorry. Go ahead. 21 MR. GEOGHEGAN: Let him -- 22 MR. HAYES: Yeah, go ahead. 23 BY THE WITNESS: 24 A. I did talk to him briefly as we were</p>

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1 walking through the county building halls regarding
2 what was taking place in juvenile probation.
3 BY MR. HAYES:
4 Q. When was this?
5 A. I believe it was -- I organized
6 100 probation officers to go down to the county
7 building when they was getting laid off, and he was
8 at the county board meeting, so maybe between 2014,
9 2015.
10 Q. Okay.
11 A. Maybe a little bit before then.
12 Q. Okay. And you say that you briefly
13 talked to him. How long was your conversation?
14 A. Roughly about seven to eight minutes.
15 He told me that he would like to hear more, to make
16 an appointment with his office.
17 Q. Did you do that?
18 A. I tried on several occasions.
19 Q. Okay. And outside of that, you never
20 sat down with him regarding any allegations of
21 discrimination?
22 A. No.
23 Q. Did you sit down with anyone from the
24 chief judge's office regarding your allegation of

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1 discrimination?
2 A. Bruce Wisniewski, Keith Sevcik.
3 Q. Who is Bruce Wisniewski?
4 A. He was the human resource administrator
5 for the Office of the Chief Judge.
6 Q. And when was that meeting?
7 A. It was several times because I filed so
8 many grievances, that each time I would go down
9 there, Bruce would say to me, You again?
10 Q. Could you guess how many times? More
11 than five?
12 A. Yeah, more than five.
13 Q. More than ten?
14 A. More than ten.
15 Q. Now, were these meetings with
16 Mr. Wisniewski, were they to discuss the grievances
17 that you filed; is that right?
18 A. Yes. He would schedule the grievances.
19 Q. And are these grievances of individual
20 JPD employees?
21 A. Some individuals and maybe one or two as
22 a group.
23 Q. Okay. And what was the time period for
24 these grievances?

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1 A. From 2012 to 2016.
2 Q. Okay. You also said that you sat down
3 with Keith Sevcik; is that right?
4 A. Yes.
5 Q. And who is Mr. Sevcik?
6 A. I believe he's the legal counsel for the
7 Office of the Chief Judge.
8 Q. How many times did you meet with him
9 regarding allegations of racial discrimination over
10 at JPD?
11 A. More than ten.
12 Q. When you talk about sitting down with
13 folks and Mr. Sevcik about allegations of racial
14 discrimination, are you referring to grievance
15 hearings, or are these separate hearings?
16 A. No, we are referring to grievances.
17 That was the formal process.
18 Q. Would that be the same thing when you
19 are talking about Mr. Wisniewski?
20 A. Wisniewski.
21 Q. Wisniewski, do you know how to spell
22 that? If you don't know, don't worry about it.
23 A. W-i-e-n-s-k-w-i.
24 Q. Was it -- were those grievance hearings

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1 with him as well?
2 A. One, and some of them was informal, when
3 he was scheduling the grievance hearings.
4 Q. What I want to do is separate out the
5 grievance hearings from any other sit down meetings
6 that you might have had with anyone at the chief
7 judge's office regarding race discrimination.
8 So setting aside the grievances, how
9 many meetings would you say that you had with
10 someone from the chief judge's office regarding
11 allegations of racial discrimination?
12 MR. GEOGHEGAN: But just to clarify this
13 question, you are not assuming in this question
14 that there were no discussions about race
15 discrimination in the grievances?
16 MR. HAYES: Correct. No, I'm setting aside
17 the grievance hearings. I don't want to talk about
18 the grievance hearings right now.
19 BY THE WITNESS:
20 A. So what we was told was that in order to
21 file a formal complaint was through the grievance
22 process.
23 BY MR. HAYES:
24 Q. Okay. So would that -- does that

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<p style="text-align: right;">Page 49</p> <p>1 mean -- I don't want to put words in your mouth, 2 but does that mean that you did not have any 3 meetings with anyone from the chief judge's office 4 outside of the grievance hearings regarding 5 allegations of race discrimination in the JPD? 6 A. Informally, yes. 7 Q. All right. So "informally," what do you 8 mean by that? 9 A. So each time I would file a grievance, 10 Bruce Wisniewski and I would have a conversation 11 about the merit of the grievance. So inside his 12 office, I would bring up that there is some 13 disparity taking place regarding African-Americans 14 and the discipline that they are receiving and the 15 white officers within Cook County Juvenile 16 Probation. 17 Then further conversation went into the 18 systemic issues that was impacting a particular 19 group of people, from certain probation officers 20 not being able to transfer, to proposals that 21 management was actually submitting to restructure 22 the department, to probation officers receiving 23 compensatory time. 24 There was a lot of different issues that</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yeah, probably more than 20. 2 Q. Okay. I know this gets tedious, but 3 more than 30? 4 A. Honestly, I can't recall, but I can -- 5 Q. Go ahead. 6 A. I can recall certain grievances that I 7 did file on behalf of officers who was complaining 8 about racial discrimination. 9 Q. Okay. And then what happened in these 10 grievances that alleged race discrimination? 11 A. All of them was denied. 12 Q. When you say "denied," I just want to 13 get the procedure out. 14 MR. GEOGHEGAN: Were you done with your 15 answer? 16 THE WITNESS: Yeah. 17 MR. GEOGHEGAN: I'm sorry. 18 BY MR. HAYES: 19 Q. When you say "denied," what is the 20 process? 21 A. So the process is for the union to 22 present information and evidence, and each time I 23 met with Keith, Bruce, whoever, I would present the 24 information that was presented to me from our</p>
<p style="text-align: right;">Page 50</p> <p>1 was coming up throughout the course of the four 2 years that I was vice president and president 3 because I was able to look at certain information 4 that the department was providing to me. 5 Q. Right. Believe me, I'm going to ask you 6 questions about that, so we'll get into that stuff. 7 MR. GEOGHEGAN: Objection. If you wanted to 8 add any more to your answer, you can continue. 9 BY MR. HAYES: 10 Q. If you want to now, but I'm going to ask 11 questions on that too. Okay? 12 A. No. 13 Q. If you can put a number on it, how many 14 grievances did you file during this time period in 15 2012 to now or during -- sorry, strike that. That 16 was bad. 17 During your tenure as vice president and 18 president of the union, how many grievances did you 19 file on behalf of JPD employees that alleged race 20 discrimination, if you can give me a number? 21 A. I don't know. 22 Q. Are we talking again more than ten? 23 A. Yeah, more than ten. 24 Q. More than 20?</p>	<p style="text-align: right;">Page 52</p> <p>1 department. Historical records, current 2 information that the department provided to me per 3 my release of requests for information, unfair 4 labor practices charges that I actually filed 5 against the Office of the Chief Judge to actually 6 compel the department to turn over certain 7 documents. 8 So I would actually bring it up at each 9 step of the grievance process, and at each step 10 they would deny and deny that there was any racial 11 discrimination taking place within the department. 12 Even when I showed them their own confidential 13 records regarding last chance agreements, regarding 14 the length of suspension that each probation 15 officer was receiving, they would still just deny 16 that there was any racial discrimination taking 17 place. 18 The department is required to turn over 19 quarterly a transaction list of people who are on 20 leave, who have been suspended, who receive some 21 type of discipline, verbal reprimand, and I would 22 use the department information and convince them 23 because in our department, there's a thing called 24 disproportionate minority contact, where they are</p>

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<p style="text-align: right;">Page 53</p> <p>1 saying that the system or certain minorities are</p> <p>2 having too much contact with the system and it's</p> <p>3 based off race.</p> <p>4 Q. What do you mean by "the system"?</p> <p>5 A. The criminal justice system, so it's</p> <p>6 called disproportionate minority contact. So I</p> <p>7 would actually compare that to what was taking</p> <p>8 place with Mike Rohan regarding the</p> <p>9 African-American probation officers who was</p> <p>10 actually receiving a six-month suspension or</p> <p>11 three-month suspension compared to their</p> <p>12 counterparts, which happened to be white probation</p> <p>13 officers.</p> <p>14 And I actually used and showed Mike</p> <p>15 Rohan an audit that was actually completed on each</p> <p>16 unit within the department to show that there was</p> <p>17 some disparity taking place when there was not a</p> <p>18 recommendation for a particular officer who just</p> <p>19 happened to be white and a particular officer who</p> <p>20 happened to be black within that same unit.</p> <p>21 Q. And, again, just to be clear. I mean, I</p> <p>22 think I have an understanding of the process, but I</p> <p>23 want to make sure that we are on the same page</p> <p>24 here. When you talk about grievances denied,</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And when was that?</p> <p>3 A. Before my tenure.</p> <p>4 Q. Okay. So of the grievances alleging</p> <p>5 racial discrimination against JPD that you brought,</p> <p>6 none were cut off before Step 4; is that right?</p> <p>7 A. No, that is not correct.</p> <p>8 Q. Okay. How was the -- tell me then</p> <p>9 when -- if you can give me a specific example of</p> <p>10 when a grievance that you filed alleging race</p> <p>11 discrimination did not proceed to Step 4?</p> <p>12 A. Certain times certain probation officers</p> <p>13 will be, prior to these meetings, that they did not</p> <p>14 want to grieve, that they were afraid that they</p> <p>15 were going to lose their job, and they would accept</p> <p>16 whatever discipline that the department would</p> <p>17 impose on them. So they would actually beg and ask</p> <p>18 that the grievance be resolved or that the matter</p> <p>19 be cut off even before it gets to the chief judge's</p> <p>20 office.</p> <p>21 So sometimes I'm not directly involved.</p> <p>22 The stewards are involved. They are supposed to</p> <p>23 come and talk with the vice president and</p> <p>24 president, but certain stewards was going rogue at</p>
<p style="text-align: right;">Page 54</p> <p>1 grievances have steps; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. How many steps?</p> <p>4 A. It's supposed to be the supervisor, but</p> <p>5 the department have taken the position, which is --</p> <p>6 I don't want to get into the legal terms.</p> <p>7 Q. How many steps are there?</p> <p>8 A. It's four or five.</p> <p>9 Q. Okay. And when you are meeting with</p> <p>10 someone from the Office of the Chief Judge, be it</p> <p>11 Keith or Bruce, what step is that?</p> <p>12 A. Or Kate Galbraith, or there was another</p> <p>13 gentleman who was actually hearing the grievances,</p> <p>14 too. He had passed away.</p> <p>15 Q. And what step is that, when you are</p> <p>16 meeting with someone from the Office of the Chief</p> <p>17 Judge?</p> <p>18 A. That is the fourth. That is the fourth</p> <p>19 step.</p> <p>20 Q. Were any of these grievances that we</p> <p>21 have been talking about alleging racial</p> <p>22 discrimination, were they ever -- was the process</p> <p>23 ever cut off of those grievances before getting to</p> <p>24 Step 4?</p>	<p style="text-align: right;">Page 56</p> <p>1 that time, particularly a case of --</p> <p>2 Q. When you say "at that time," I just want</p> <p>3 to be clear. Is that your vice presidency,</p> <p>4 presidency time period?</p> <p>5 A. Yes. I could recall a particular issue</p> <p>6 regarding the Kenneth Greenlaw case where the</p> <p>7 supervisor, when I was present, had a steward in</p> <p>8 there, and Mike Rohan had offered him, I think it</p> <p>9 was -- he told him if he did not accept this</p> <p>10 three-day suspension, it would be ten, so he would</p> <p>11 accept the three-day suspension without actually</p> <p>12 going through the entire process or going to the</p> <p>13 Office of the Chief Judge.</p> <p>14 Q. Were you in there for that, in the</p> <p>15 meeting where Mr. Rohan said, Accept the three or</p> <p>16 you'll get ten?</p> <p>17 A. I have been in several meetings.</p> <p>18 Q. Just were you in that meeting?</p> <p>19 A. I was not in that meeting, but the</p> <p>20 steward came back and told me.</p> <p>21 Q. Who is that steward, if you remember?</p> <p>22 A. Christen Loeb.</p> <p>23 Q. I'm going to ask the next question based</p> <p>24 on your testimony. Correct me if I'm not getting</p>

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<p style="text-align: right;">Page 57</p> <p>1 it right.</p> <p>2 Any of these grievances that we have</p> <p>3 been talking about that you brought for race</p> <p>4 discrimination against JPD during your presidency</p> <p>5 and vice presidency, are you aware of any of them</p> <p>6 being cut off at one of the steps prior to Step 4</p> <p>7 by management refusing to hear it?</p> <p>8 A. By management refusing to hear a</p> <p>9 grievance?</p> <p>10 Q. Yeah.</p> <p>11 A. Unless it's not timely or if it was</p> <p>12 procedurally done incorrectly, that might be the</p> <p>13 only reason, but I don't see any other time a</p> <p>14 grievance would be cut off.</p> <p>15 Q. Okay.</p> <p>16 A. Not that I can recall. If I had more of</p> <p>17 my paperwork in front of me, I believe that I could</p> <p>18 answer the question a little more accurately.</p> <p>19 MR. GEOGHEGAN: Off the record for a second.</p> <p>20 (WHEREUPON, discussion was had off</p> <p>21 the record.)</p> <p>22 MR. HAYES: Okay. Back on the record.</p> <p>23 BY MR. HAYES:</p> <p>24 Q. Let's switch gears again a little bit,</p>	<p style="text-align: right;">Page 59</p> <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And how did you know him?</p> <p>4 A. I'm a friendly guy, so I have seen him</p> <p>5 around the department a couple times, so I normally</p> <p>6 try to speak to everyone that I come across.</p> <p>7 Q. While we are talking about the</p> <p>8 department, what is the size -- how many employees</p> <p>9 does JPD have, if you know?</p> <p>10 A. My particular interest was just the</p> <p>11 juvenile probation officers, so I knew that the</p> <p>12 department had over 300 juvenile probation officers</p> <p>13 and that does not include the deputy chief</p> <p>14 probation officers or management.</p> <p>15 Q. This would have been the union</p> <p>16 employees, right?</p> <p>17 A. Yes.</p> <p>18 Q. While you were president of the union?</p> <p>19 A. And vice president.</p> <p>20 Q. Over 300. Are we talking about 305 or</p> <p>21 like 350?</p> <p>22 A. Maybe like roughly -- maybe like 320,</p> <p>23 330.</p> <p>24 Q. Okay. Do you socialize with Mr. Jordan</p>
<p style="text-align: right;">Page 58</p> <p>1 Mr. Smith. I want to talk a little bit about the</p> <p>2 named plaintiffs in this case.</p> <p>3 A. Okay.</p> <p>4 Q. Are you familiar with Anthony Jordan?</p> <p>5 A. I am.</p> <p>6 Q. How do you know Mr. Jordan?</p> <p>7 A. I have represented him as president of</p> <p>8 the union during the time that he was on his</p> <p>9 temporary suspension and terminated from the</p> <p>10 department.</p> <p>11 Q. So you were his steward for his</p> <p>12 termination? Does that sound right?</p> <p>13 A. Yes.</p> <p>14 Q. Prior to that had you worked with</p> <p>15 Mr. Jordan?</p> <p>16 A. No. I'm sorry. When you mean "worked,"</p> <p>17 we worked in the same department.</p> <p>18 Q. Right. That was actually not a great</p> <p>19 question.</p> <p>20 Prior to representing him in his</p> <p>21 temporary suspension termination proceedings, had</p> <p>22 you worked in the same unit with Mr. Jordan?</p> <p>23 A. No.</p> <p>24 Q. Did you know of Mr. Jordan prior to</p>	<p style="text-align: right;">Page 60</p> <p>1 outside of work?</p> <p>2 A. No.</p> <p>3 Q. Have you ever been to Mr. Jordan's</p> <p>4 house?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. How many times?</p> <p>7 A. Once.</p> <p>8 Q. But not to socialize?</p> <p>9 A. He had a heart attack.</p> <p>10 Q. So you visited him after his heart</p> <p>11 attack?</p> <p>12 A. Yes.</p> <p>13 Q. And when was that?</p> <p>14 A. I can't recall. Maybe sometime last</p> <p>15 year, when he had his heart attack.</p> <p>16 Q. But other than that, you have never seen</p> <p>17 Mr. Jordan outside of work?</p> <p>18 A. No.</p> <p>19 Q. Okay. Are you familiar with Kenneth</p> <p>20 Greenlaw?</p> <p>21 A. Yes.</p> <p>22 Q. How do you know Mr. Greenlaw?</p> <p>23 A. He's a probation officer that I</p> <p>24 represented in the grievance hearing.</p>

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1 Q. So you represented him in his
2 termination as well?
3 A. Yes.
4 Q. Okay. Did you represent Mr. Greenlaw in
5 any other grievance that he might have had?
6 A. Not that I can recall.
7 Q. Okay. Prior to representing
8 Mr. Greenlaw with this grievance regarding his
9 termination, did you work directly with
10 Mr. Greenlaw?
11 A. No.
12 Q. So is it fair to say that you did not
13 have the same direct supervisors; is that right, as
14 Mr. Greenlaw?
15 A. We all had different supervisors.
16 Q. All right. Do you socialize with
17 Mr. Greenlaw outside of work?
18 A. No.
19 Q. Have you ever been to Mr. Greenlaw's
20 house?
21 A. No.
22 Q. Okay. Do you know Patrick Nelson?
23 A. Yes.
24 Q. How do you know Mr. Nelson?

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1 A. He's a probation officer in the
2 department.
3 Q. Did you help Mr. Nelson with any
4 grievance -- any of his grievances at the JPD?
5 A. I believe so.
6 Q. Okay. And do you know what those were
7 about -- sorry. Was it more than one?
8 A. Yes, it was more than one.
9 Q. And do you know what they were about?
10 A. I believe it was for his performance
11 evaluations, the elimination of his position. I
12 believe it was maybe the issue of compensatory
13 time. Yeah, I believe so.
14 Q. Okay. And do you know roughly the time
15 period of these grievances that you assisted him
16 with?
17 A. No. It could have been anywhere between
18 2014 maybe or '13 to the -- maybe to the present
19 day. I don't recall.
20 Q. Do you socialize with Mr. Nelson outside
21 of work?
22 A. No.
23 Q. Okay. Have you ever been to
24 Mr. Nelson's house?

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1 A. Yes.
2 Q. Okay. Why have you been to his house?
3 A. To prep for the grievance hearings.
4 Q. How many times would you say that you
5 have been to his house?
6 A. Maybe once or twice.
7 Q. Would you go to other officers' houses
8 to prep for grievance hearings?
9 A. If I can't meet with them during work
10 hours.
11 Q. So have you gone to other probation
12 officers' houses to prep for grievance hearings?
13 A. I have.
14 Q. Approximately how many other officers
15 would you say that you have been to their houses?
16 A. Or outside of the JPD?
17 Q. Yeah.
18 A. Maybe 20. 20, 30 probably.
19 Q. Okay. So I just went over four
20 individuals. Are you aware that these are the four
21 named plaintiffs in this lawsuit that you are here
22 for today, right?
23 A. Yes.
24 Q. Did you at any time ever tell any of the

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1 four plaintiffs to file a charge of discrimination
2 with the EEOC?
3 A. Not directly, but I mentioned that they
4 can seek outside help if they wasn't happy about
5 the results.
6 Q. Results of their grievances?
7 A. Yes.
8 Q. Okay. You say that you told that to all
9 four of them?
10 A. No.
11 Q. Who did you tell that to, if you know?
12 A. I believe Howard Brown, Julie
13 Montgomery. I probably mentioned it to maybe all
14 of them maybe indirectly, even though the grievance
15 hearing allowed me to present the information and
16 evidence.
17 Q. I think there might have been confusion.
18 When you say "all of them," are you referring to
19 all of the JPD employees that you helped with
20 grievances?
21 A. Yeah.
22 Q. So I want to know about the actual
23 plaintiffs in the case. So Jordan, Greenlaw,
24 Nelson, Chapman. Did you ever tell them that they

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1 should file a charge of discrimination with the
2 EEOC?
3 A. Not directly, no.
4 Q. But would you have told them kind of the
5 same thing that you just testified about kind of
6 indirectly or whatever?
7 A. When I presented information on their
8 behalf and they see the documents that the
9 department produced and provided to me, I'm sure
10 they had to take notice. The language, the stats,
11 the number of probation officers compared to white
12 probation officers who had been suspended and
13 terminated under the Office of the Chief Judge.
14 Q. Did you assist any of the -- just the
15 four plaintiffs in filing their charges of
16 discrimination with the EEOC?
17 A. When you say "assist," you mean like
18 provide them with information?
19 Q. Sure. Well, if that is your answer,
20 that is fine. Did you provide them with
21 information?
22 A. Yeah, especially during the grievance
23 hearings.
24 Q. All right. Then specifically did you --

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1 just the four plaintiffs, any of them, did you
2 assist them in any way? And by "assist," I mean,
3 did you tell them, Here, this is where you go to
4 the EEOC, this is how you fill it out, any of that?
5 A. If they had a question, yes. I would
6 answer the questions as their president or vice
7 president. I would give them the information that
8 they were seeking.
9 Q. And do you recall directly assisting any
10 of the four plaintiffs in filing a charge of
11 discrimination with the EEOC?
12 A. Probably so, if I can recall. I
13 don't -- I'm a little bit confused by the word
14 "assist" because all I did was give them the
15 information, and these are four grown men who made
16 a decision to file charges based off the
17 information that they had in their possession.
18 Q. Let me break it down a little bit. That
19 might help.
20 A. Okay.
21 MR. GEOGHEGAN: I'm going to object to the
22 form of the question, and I rarely have a relevance
23 objection at a deposition, but I think this is
24 getting pretty far afield of the case.

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1 BY MR. HAYES:
2 Q. Did you -- did you go to the EEOC with
3 any of the plaintiffs when they filed their charge?
4 A. Maybe. I think I did.
5 Q. Do you know which one, which ones?
6 A. Maybe -- maybe Nelson, I think.
7 Q. Okay. Was he the only one?
8 A. That I can recall at this time.
9 Q. Okay. Outside of the four plaintiffs,
10 did you -- and outside of what you already
11 testified to kind of indirectly telling employees
12 about their options, did you ever tell any JPD
13 employees specifically, You should file a charge of
14 discrimination with the EEOC? Again, outside of
15 the four named plaintiffs here.
16 A. If they believe that they was a victim
17 of racial discrimination.
18 Q. Can you think of a specific instance
19 where you told someone that?
20 A. I can recall Howard Brown, where I
21 walked in on the deputy chief probation officer who
22 had accused Howard Brown of not servicing a client,
23 and I actually caught the deputy chief probation
24 officer, Virginia Caulfield, manipulating the

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1 system, and it was actually the supervisor who
2 happened to be white never assigned the case to
3 Howard Brown and who was never put under
4 investigation.
5 Q. All right. So did you tell Howard Brown
6 to file an EEOC charge based on that instance that
7 you observed?
8 A. Well, he -- if I can remember correctly,
9 he asked me if we can file a grievance, and I said,
10 Well, you have not been impacted because they did
11 not discipline you, but we can file a grievance and
12 make it a formal complaint or you can go to the
13 EEOC and file a complaint regarding differential
14 treatment that you believe you received.
15 Q. Do you know if he went to the EEOC to
16 file a charge?
17 A. I don't -- I can't recall right offhand,
18 but --
19 Q. Regarding this lawsuit that you are here
20 for today, Jordan, et al., did you have any role
21 whatsoever in the filing of that lawsuit?
22 A. As far as providing documentation? I
23 think that being African-American in the
24 department, I think all African-Americans,

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<p style="text-align: right;">Page 69</p> <p>1 especially minorities, they all should have a role 2 in this lawsuit, especially given the systemic 3 issue that impact the Office of the Chief Judge and 4 juvenile probation. 5 Q. Did you ever tell any of the other four 6 named plaintiffs here that they should file a 7 lawsuit? 8 A. No, I didn't tell them that they should 9 file a lawsuit. Yeah. 10 MR. GEOGHEGAN: I want to object to any 11 communications between Mr. Smith and our law firm 12 about this lawsuit. I'll instruct him not to 13 answer those. Those are all privileged, but I 14 don't have any objection to the question that you 15 just asked. 16 MR. HAYES: I know. I'm trying to -- I guess 17 we are just going to roll, and if we get to it, we 18 get to it and we'll deal with it. 19 MR. GEOGHEGAN: I have the understanding that 20 Mr. Smith is -- 21 MR. HAYES: He's all over everything. 22 MR. GEOGHEGAN: That he's an intelligent and 23 sophisticated individual and understands that you 24 are not asking about communications with our firm.</p>	<p style="text-align: right;">Page 71</p> <p>1 to them about, what is your understanding of your 2 role as a consultant on this case? 3 A. My role is -- 4 MR. GEOGHEGAN: Objection. I am going to 5 object to these questions. We have already 6 identified him as a client of the firm for purposes 7 of this case, and I'm going to instruct him not to 8 answer those questions. 9 MR. HAYES: Well, is he a client, or is he a 10 consultant? 11 MR. GEOGHEGAN: I stated at the beginning, he 12 is a client. Of course he has information and he 13 provides it to us as a client, but he's -- I think 14 he misunderstood the question. He is a client of 15 the firm, and I'm instructing him not to answer 16 questions about what he provides to the firm. 17 BY MR. HAYES: 18 Q. Is it your understanding, Mr. Smith, 19 that you are a client of the law firm? 20 A. Yes. 21 Q. Okay. So is it your understanding that 22 you are not a consultant? 23 A. I mean -- 24 MR. GEOGHEGAN: Objection. I think he</p>
<p style="text-align: right;">Page 70</p> <p>1 MR. HAYES: Right. I'm fine. 2 BY MR. HAYES: 3 Q. I understand that your attorney has put 4 forth an objection of attorney-client privilege, so 5 that means that -- at this point, I don't want to 6 know any of your communications between you and 7 anyone at that firm. Okay. 8 What I will be looking for is your role 9 in terms of what you provided and how you came to 10 some of these conclusions that are in the 11 complaint. That is what I'm going to be looking 12 for. Okay? I just want to be clear on that. 13 A. That's fine. 14 MR. HAYES: Tom, we good at least until the 15 questions? 16 MR. GEOGHEGAN: Yeah, that is a legitimate 17 area of inquiry. 18 MR. HAYES: Okay. 19 BY MR. HAYES: 20 Q. Are you currently a hired consultant of 21 the law firm -- and I'm probably going to butcher 22 it -- of Despres, Schwartz & Geoghegan? 23 A. Yes. 24 Q. And without getting into what you talked</p>	<p style="text-align: right;">Page 72</p> <p>1 misunderstands what you mean by "consultant." 2 MR. HAYES: I know. I'm trying to figure it 3 out here. 4 MR. GEOGHEGAN: Obviously, we consult with him 5 and vice versa, but it's not a consultant 6 relationship in the sense that you mean it. 7 BY MR. HAYES: 8 Q. Are you being paid as a consultant? 9 A. No. 10 Q. Okay. When did you become a client of 11 the law firm? 12 A. 2015, I believe, or 2016. 13 Q. Do you know if it was before or after 14 this lawsuit was filed? 15 A. It was after this lawsuit was filed. 16 Q. Okay. 17 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit -10:-22:-47 No. 3, for identification.) -10:-22:-47 BY MR. HAYES: 21 Q. Okay. Mr. Smith, you have been handed 22 what has been marked as Exhibit 3. I'll tell you 23 it's the second amended complaint in this matter. 24 Have you seen this before?</p>

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<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Again, I'm trying to find out</p> <p>3 what was your role, if any, without getting into</p> <p>4 attorney-client communications in the drafting of</p> <p>5 this complaint?</p> <p>6 MR. GEOGHEGAN: Oh, I'm going to instruct him</p> <p>7 not to answer that.</p> <p>8 MR. HAYES: All right. Let's go off the</p> <p>9 record for a minute.</p> <p>10 (WHEREUPON, discussion was had off</p> <p>11 the record.)</p> <p>12 MR. HAYES: Okay. Let's go back on. For now,</p> <p>13 I'll move on. I'll keep asking questions and see</p> <p>14 what happens.</p> <p>15 Now, Mr. Smith, you established that you</p> <p>16 have seen this document before; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And is it your understanding that this</p> <p>19 is the operative complaint in this lawsuit, meaning</p> <p>20 this is the true and correct complaint right now,</p> <p>21 right?</p> <p>22 A. I mean, I know it said on behalf of</p> <p>23 themselves and other similarly situated plaintiffs.</p> <p>24 I don't know if there may be additional plaintiffs</p>	<p style="text-align: right;">Page 75</p> <p>1 BY MR. HAYES:</p> <p>2 Q. Are you currently a named plaintiff in</p> <p>3 this lawsuit?</p> <p>4 A. Not a named plaintiff, but, again, I</p> <p>5 kind of -- I don't know how you can put and say it</p> <p>6 does not impact me directly, because they are</p> <p>7 similarly situated, and I assume I'm a similarly</p> <p>8 situated individual. But, no, my name does not</p> <p>9 appear directly anywhere on the lawsuit.</p> <p>10 Q. All right. Now, I'm going to go through</p> <p>11 some of these specific paragraphs and ask you some</p> <p>12 questions about it. If you could turn to page 4.</p> <p>13 I want to focus on paragraph 11. It says,</p> <p>14 Effective December 1, 2008, and continuing in</p> <p>15 effect, a collective bargaining agreement was</p> <p>16 entered into between defendant, Chief Judge Timothy</p> <p>17 Evans, and the American Federation of State,</p> <p>18 County, and Municipal Employees, Council 31, the</p> <p>19 union. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. My question is, did you have any role in</p> <p>22 the drafting or negotiating of the CBA?</p> <p>23 A. No, because it would have also stated</p> <p>24 Local 3477.</p>
<p style="text-align: right;">Page 74</p> <p>1 that may come forward.</p> <p>2 Q. Okay. You are not currently a plaintiff</p> <p>3 in this lawsuit, right?</p> <p>4 A. I think being an African-American in the</p> <p>5 department indirectly, you could say that I am a</p> <p>6 plaintiff because it impacts me as an</p> <p>7 African-American.</p> <p>8 Q. Let me reask that.</p> <p>9 A. It's similar --</p> <p>10 Q. No, go ahead.</p> <p>11 A. It's similar to the Chicago Police</p> <p>12 Department, when the Chicago Police Department was</p> <p>13 discriminating against African-American police</p> <p>14 officers and the fire department, when they was</p> <p>15 discriminating against African-Americans regarding</p> <p>16 their exam. So I think indirectly being an</p> <p>17 African-American in the department, that it does</p> <p>18 impact me.</p> <p>19 MR. GEOGHEGAN: Objection. I think it's --</p> <p>20 this document speaks for itself. He's not formally</p> <p>21 a named plaintiff in this.</p> <p>22 MR. HAYES: I mean, you are objecting after</p> <p>23 his answer, and I was going to clean it up.</p> <p>24</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. So is it your understanding that this</p> <p>2 collective bargaining agreement applies to other</p> <p>3 locals beyond just 3477?</p> <p>4 A. No.</p> <p>5 Q. So does it apply just to 3477?</p> <p>6 A. Yes, this particular collective</p> <p>7 bargaining agreement. Each local has their own</p> <p>8 collective bargaining agreement because each local</p> <p>9 has a different president and vice president.</p> <p>10 Q. Okay. The CBA that is being referenced</p> <p>11 in paragraph 11, if you know, did you have any role</p> <p>12 in the drafting or negotiating of that CBA?</p> <p>13 A. Possibly indirectly. I mean, I am the</p> <p>14 president -- or was the president of the union.</p> <p>15 Q. But not in 2008, right?</p> <p>16 A. No, not in 2008.</p> <p>17 Q. Okay. Has there been a CBA negotiated</p> <p>18 with Local 3477 after 2008?</p> <p>19 A. Yes.</p> <p>20 Q. And when was that?</p> <p>21 A. The CBA expired in 2012.</p> <p>22 Q. Did you have a role in drafting or</p> <p>23 negotiating of that CBA?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 77</p> <p>1 Q. What was your role in that CBA?</p> <p>2 A. I helped negotiate the current</p> <p>3 collective bargaining agreement.</p> <p>4 Q. And when you say "helped negotiate," can</p> <p>5 you be specific about what you did?</p> <p>6 A. I attended meetings, gave input</p> <p>7 regarding the working conditions of the probation</p> <p>8 officers, came back, relayed the information to the</p> <p>9 probation officers, fought with Council 31 over</p> <p>10 certain languages, provisions within the CBA, and</p> <p>11 we met with the chief judge's representative, Laura</p> <p>12 Kelly, the department, and the county.</p> <p>13 Q. Did the union have an attorney that</p> <p>14 negotiated the CBA?</p> <p>15 A. Did we have an attorney?</p> <p>16 Q. Yeah.</p> <p>17 A. To negotiate the CBA?</p> <p>18 Q. Right.</p> <p>19 A. I'm not sure if he was an attorney, but</p> <p>20 I'm sure there was some attorneys present.</p> <p>21 Q. All right. Let me ask it this way. For</p> <p>22 this, the one that you helped negotiate in 2012,</p> <p>23 that is still current?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. But you started working on it in 2012;</p> <p>2 is that right?</p> <p>3 A. Yeah, I believe so.</p> <p>4 Q. Okay. If you turn the page to page 5,</p> <p>5 let's look at paragraph 16, it says, Argentry</p> <p>6 Mitchell. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. You can just read that paragraph to</p> <p>9 yourself. Go ahead.</p> <p>10 A. Okay.</p> <p>11 Q. Were you involved personally, I guess I</p> <p>12 would say as a union steward or as a union</p> <p>13 president or vice president, in Mr. Mitchell's</p> <p>14 claims in paragraph 16?</p> <p>15 A. No.</p> <p>16 Q. If you turn the paragraph to page 6,</p> <p>17 hopefully these questions will be easy because they</p> <p>18 are about you. Paragraphs 21 and 22, do you see</p> <p>19 that, Jason Smith?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Just look at 21 and just tell me, is</p> <p>22 everything in there still true about you?</p> <p>23 A. Yeah. Yes.</p> <p>24 Q. 21 is still a true statement, there's</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. Do you know when that expires?</p> <p>2 A. November 1st, November 30th of this</p> <p>3 year.</p> <p>4 Q. Okay. I assume because you are not in</p> <p>5 the union, but do you currently have any role in</p> <p>6 the negotiation of the new CBA after November 30,</p> <p>7 2017?</p> <p>8 A. Just the vote on the contract once they</p> <p>9 present all of the information.</p> <p>10 Q. And looking at paragraph 11, do you</p> <p>11 know, it says, Effective December 1, 2008, and</p> <p>12 continuing in effect, but you said the 2008 one,</p> <p>13 did that expire or what happened?</p> <p>14 A. I'm sorry.</p> <p>15 Q. No, go ahead. I just want to know what</p> <p>16 happened.</p> <p>17 A. Any time that a collective bargaining</p> <p>18 agreement has an expiration date, it still is in</p> <p>19 effect until you negotiate a new one.</p> <p>20 Q. Do you know when the new one -- the</p> <p>21 2012 -- the current CBA, when did that come into</p> <p>22 effect?</p> <p>23 A. I believe we signed it in 2015. It was</p> <p>24 ratified in 2015.</p>	<p style="text-align: right;">Page 80</p> <p>1 nothing wrong with paragraph 21?</p> <p>2 A. No, I'm no longer the president of</p> <p>3 Local 3477.</p> <p>4 Q. Okay. I want to look at the next one,</p> <p>5 which is paragraph 22, and I'll read it, Jason</p> <p>6 Smith recognized that claims of racial</p> <p>7 discrimination to the EEOC, the Illinois Department</p> <p>8 of Human Rights, federal courts and arbitration</p> <p>9 were failing due to the failure to allege and</p> <p>10 document a pattern and practice of racially</p> <p>11 disparate treatment. Do you see that?</p> <p>12 A. Uh-huh. Yes. I'm sorry.</p> <p>13 Q. That's fine. And what exactly did you</p> <p>14 recognize?</p> <p>15 A. A bunch. When I first started, a group</p> <p>16 of probation officers came to me regarding a</p> <p>17 blackboard.</p> <p>18 Q. Sir, when you say "first started," does</p> <p>19 that mean in the union or the JPD?</p> <p>20 A. No. Let me make sure --</p> <p>21 Q. I'm sorry. I'm going to probably</p> <p>22 interrupt you and Tom may object, but I want you to</p> <p>23 finish.</p> <p>24 MR. GEOGHEGAN: I am objecting.</p>

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<p style="text-align: right;">Page 81</p> <p>1 BY MR. HAYES:</p> <p>2 Q. Just to clarify -- sometimes I will</p> <p>3 interrupt to clarify, just because I want a clean</p> <p>4 record. I'm not trying to trip you up or anything</p> <p>5 like that. So go ahead.</p> <p>6 A. So when I say when I first started, when</p> <p>7 certain probation officers started bringing to my</p> <p>8 attention certain unfair treatment that was taking</p> <p>9 place in the juvenile probation department, I only</p> <p>10 thought that it was pertaining to juvenile</p> <p>11 probation.</p> <p>12 I can recall the first instance that a</p> <p>13 group of probation officers came to me regarding a</p> <p>14 blackboard and that the deputy chief was making</p> <p>15 them sign a blackboard, and this particular unit</p> <p>16 consisted of several black probation officers and a</p> <p>17 couple of white probation officers within the same</p> <p>18 division. And this deputy chief would ask the</p> <p>19 black probation officers to sign the blackboard as</p> <p>20 if to account for their time and not ask the white</p> <p>21 probation officers to sign the blackboard to</p> <p>22 account for their time.</p> <p>23 Q. Okay. When was this, first of all?</p> <p>24 A. I believe it was in 2012.</p>	<p style="text-align: right;">Page 83</p> <p>1 everyone, not just the black probation officers.</p> <p>2 She said -- she gave me some excuse, that these</p> <p>3 probation officers was assigned to a courtroom, she</p> <p>4 needed to see who was present, and I brought up the</p> <p>5 time sheet and that they have a direct</p> <p>6 supervisor -- or two direct supervisors who</p> <p>7 actually supervise their immediate duties.</p> <p>8 She refused to take down the blackboard.</p> <p>9 The group asked me to file a grievance for</p> <p>10 discrimination. We went through the process, went</p> <p>11 through Step 1, Step 2, Step 3, Step 4, and it was</p> <p>12 all denied.</p> <p>13 During that time the probation officers</p> <p>14 wanted to do what we call a job action regarding</p> <p>15 the differential treatment that they was</p> <p>16 experiencing, and some probation officers created a</p> <p>17 flier that said, Civil rights are union rights.</p> <p>18 And they posted these signs saying, Stop with the</p> <p>19 discrimination, and they actually sent that flier</p> <p>20 to the Office of the Chief Judge. After a while,</p> <p>21 for some particular reason, the blackboard</p> <p>22 disappeared.</p> <p>23 Q. And it's your understanding that white</p> <p>24 probation officers never had to sign on the</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Who was the deputy chief?</p> <p>2 A. Virginia Caulfield.</p> <p>3 Q. And her race?</p> <p>4 A. White.</p> <p>5 Q. When you say "blackboard," is it like a</p> <p>6 chalkboard?</p> <p>7 A. Uh-huh.</p> <p>8 Q. You still have to say yes.</p> <p>9 A. It's a chalkboard. It was a chalkboard.</p> <p>10 Q. If I am understanding you correctly, she</p> <p>11 was making certain officers sign -- is it like a</p> <p>12 time thing on there, or what was it?</p> <p>13 A. They would come in, write their name on</p> <p>14 the blackboard, saying that they was present,</p> <p>15 despite the fact that they had a time sheet, that</p> <p>16 they actually had to sign their signature</p> <p>17 indicating that they was there at work. But she</p> <p>18 would actually create another layer of a blackboard</p> <p>19 to see what probation officers was here at work</p> <p>20 during that time.</p> <p>21 So these probation officers brought it</p> <p>22 to my attention, and I brought it to her attention</p> <p>23 and said, If you are going to create a blackboard,</p> <p>24 you are going to have to create the blackboard for</p>	<p style="text-align: right;">Page 84</p> <p>1 blackboard; is that right?</p> <p>2 A. I have firsthand knowledge, yeah.</p> <p>3 Q. Yeah. Did you talk to the white</p> <p>4 officers about it?</p> <p>5 A. Yes.</p> <p>6 Q. And they said they never had to?</p> <p>7 A. Yes.</p> <p>8 Q. Did anything -- to your knowledge, did</p> <p>9 anything -- I'm going to say bad. Did any</p> <p>10 discipline or anything like that happen to these</p> <p>11 black officers that had to sign the blackboard?</p> <p>12 A. I know there was discipline taking place</p> <p>13 when that department -- in that unit specifically.</p> <p>14 I can't recall because I don't have my records in</p> <p>15 front of me, but I do recall probation officers</p> <p>16 being placed under investigation because they had</p> <p>17 filed a complaint for discrimination. I also can</p> <p>18 recall certain probation officers being placed</p> <p>19 under investigation that they construe that as not</p> <p>20 turning over a daily court call or not coming back</p> <p>21 for a certain time period for their lunch period,</p> <p>22 so I can recall those incidents.</p> <p>23 Q. Do you recall anything that specifically</p> <p>24 happened to these officers that had to sign on the</p>

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<p style="text-align: right;">Page 85</p> <p>1 blackboard?</p> <p>2 A. If I had my --</p> <p>3 Q. Sorry. As a result of signing on the</p> <p>4 blackboard, did anything happen to them?</p> <p>5 A. I can't -- I'm sorry. I can't recall</p> <p>6 right offhand, but if I had my notes, I -- I just</p> <p>7 remember that we filed a grievance over the</p> <p>8 complaint.</p> <p>9 Q. Okay.</p> <p>10 A. But that is when -- that is when I</p> <p>11 started the collection of the records.</p> <p>12 Q. Okay. So go back to paragraph 22 of the</p> <p>13 complaint here. I was asking you what instances</p> <p>14 were you recognizing. You said a bunch. I might</p> <p>15 be paraphrasing, but you started with the</p> <p>16 blackboard.</p> <p>17 Could you give me more specific</p> <p>18 examples?</p> <p>19 A. So there was a situation that I was</p> <p>20 brought into regarding Kaletha Seay.</p> <p>21 Q. Okay. Can you spell any of that?</p> <p>22 A. Kaletha is K-a-l-e-t-h-a. Seay is</p> <p>23 S-e-a-y. And she was denied a transfer.</p> <p>24 Q. And she's African-American?</p>	<p style="text-align: right;">Page 87</p> <p>1 officer who was actually disciplined. In the CBA</p> <p>2 it says that if you have been disciplined or if you</p> <p>3 did not meet standards on your performance</p> <p>4 evaluation, that you cannot transfer, and the</p> <p>5 department transferred her not once, not twice, but</p> <p>6 three times.</p> <p>7 Q. And who is that white officer?</p> <p>8 A. Susan Patla.</p> <p>9 Q. Could you spell the last name?</p> <p>10 A. P-a-t-l-a.</p> <p>11 Q. Had Ms. Seay received discipline prior</p> <p>12 to the initial transfer of her?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. She just did not meet standards.</p> <p>16 Q. So do you believe then that Ms. Seay's</p> <p>17 transfer was rescinded then because of her race?</p> <p>18 A. Yes.</p> <p>19 Q. Did anyone ever say they are rescinding</p> <p>20 her transfer because of her race?</p> <p>21 A. Not directly. I mean, discrimination is</p> <p>22 not -- they are not wearing the hoods and marching</p> <p>23 and putting crosses -- burning crosses in</p> <p>24 people's front lawns these days. It's very</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Yes. And the department cited -- they</p> <p>2 had offered Kaletha Seay the position, and she</p> <p>3 accepted. In the CBA it does not say that once a</p> <p>4 probation officer accepts a position, that</p> <p>5 management can come back and rescind that transfer,</p> <p>6 but that is exactly what happened. They said that</p> <p>7 they made a mistake, that Kaletha Seay did not</p> <p>8 exceed -- I'm sorry -- did not meet standards on</p> <p>9 her performance evaluation, which directly impacted</p> <p>10 her ability to transfer.</p> <p>11 But because she had already accepted the</p> <p>12 position, the union had taken the position that</p> <p>13 it's not her fault that management did not do their</p> <p>14 due diligence and that she had a right to the</p> <p>15 position. Management refused. We filed a</p> <p>16 complaint. We went up through the whole process.</p> <p>17 We brought up other instances where -- not me</p> <p>18 per se but Mike Willis had actually provided me</p> <p>19 documentation showing that this is a common</p> <p>20 practice to waive certain provisions within the</p> <p>21 collective bargaining agreement to allow probation</p> <p>22 officers to transfer. For whatever reason, they</p> <p>23 refused to transfer Kaletha Seay.</p> <p>24 After that there was a white probation</p>	<p style="text-align: right;">Page 88</p> <p>1 micro-aggressions and very subtle, and even the</p> <p>2 policies can sometimes have an indirect impact on</p> <p>3 African-Americans, especially when they are not</p> <p>4 applied consistently throughout the department.</p> <p>5 Q. Okay. We have that one. Back to</p> <p>6 paragraph 22. Any other instances that you were</p> <p>7 recognizing at this time?</p> <p>8 A. Each time -- and I can only speak to</p> <p>9 what I saw and my tenure as vice president,</p> <p>10 president.</p> <p>11 Q. That is all I want.</p> <p>12 A. Information that was provided to me</p> <p>13 because Mike Willis was the president for over</p> <p>14 20 years of the local. So Mike Willis turned over</p> <p>15 this big box of information to me, and I actually</p> <p>16 sorted through the big box and went through it line</p> <p>17 by line and created certain binders, scanned it,</p> <p>18 and so when it came to negotiating certain</p> <p>19 restructuring of the department, I noticed that the</p> <p>20 department would put on the table certain units,</p> <p>21 and these certain units only consisted, the</p> <p>22 majority, of African-Americans. And each time that</p> <p>23 we would question them and ask them to provide us</p> <p>24 with information, they would always say, it's</p>

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1 operational need, as if the department has the
2 right to run the department as they saw fit.
3 And that is their right. That is under
4 the employer's authority, but they still have to
5 bargain over the impact. And what we were saying
6 to the department is that when you only include
7 certain units, the makeup only consists of
8 African-Americans, how can you justify eliminating
9 this unit when this unit is more successful than a
10 unit that actually consists of white officers? And
11 you have to be fair and consistent throughout the
12 process, and that is all we was asking.
13 They came back and they proposed
14 something else, but I think that realignment
15 proposal did have an impact on certain
16 African-American probation officers that eliminated
17 their position.
18 Q. Okay. You gave me a lot there. That is
19 fine. So I'm just going to try to unpack some of
20 that. I want to start with maybe locking this
21 down, this paragraph 22.
22 You said, I think, early on in that
23 answer that you can only talk about what you know?
24 A. Uh-huh.

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1 Q. So what I'm looking for is, you know, I
2 have this complaint that can be kind of general at
3 times. What I'm trying to do is get specifics, so
4 you gave me the blackboard, you gave me the Kaletha
5 Seay incident. I want to know any other incidents
6 that is referred to in paragraph 22 that you were
7 personally involved in?
8 A. Well, that realignment of 2013 I was
9 personally involved in. Everything that I'm going
10 to talk about today, I was personally involved.
11 Q. Okay. Then I want to step back. And
12 you mentioned a big box that Michael Willis gave
13 you; is that right?
14 A. Yes.
15 Q. And he was the president of the union
16 before you; is that right?
17 A. Yes, for almost 20 years.
18 Q. You say "big box." What are we talking
19 about, bankers box, like a big moving box?
20 A. Totes of records, so there was two totes
21 and one box of information.
22 Q. Okay. And you said that you sorted
23 through all of this, right?
24 A. Yes.

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1 Q. And you made binders and things like
2 that?
3 A. Uh-huh.
4 Q. Where are these binders now?
5 A. I scanned everything and sent it over to
6 you.
7 Q. To me? I certainly don't have it.
8 A. Okay.
9 Q. Yeah, who did you send it to?
10 A. So I sent it --
11 Q. If you sent it to the firm, you can just
12 say, I sent it to the lawyer, that fine, but I
13 don't want to put words in your mouth.
14 A. I'm sorry. Well, not you per se, not
15 personally.
16 Q. To your lawyer; is that right?
17 A. Yes.
18 Q. So are you still in possession of these
19 binders?
20 A. Yes.
21 Q. Do you keep them at your home?
22 A. Yes.
23 Q. Okay. This is going to get tedious,
24 Mr. Smith, but I just want to nail down everything.

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1 Is there anything else from paragraph 22 that you
2 have not mentioned yet?
3 A. The discipline.
4 Q. And can you expound on that a little
5 bit?
6 A. So it began with an admonishment, which
7 the department said was not discipline, similar to
8 the temporary suspension. That the probation
9 officers who was receiving these admonishments had
10 somehow failed in the compliance with the
11 department policy.
12 So there was a particular incident with
13 an audit that was completed for the entire
14 department, and I believe the audit consisted of
15 from 2011 to 2012. And I'm assuming from all of
16 the communications, because this audit was provided
17 to me from Mike Rohan, that he actually initiated
18 this audit under the authority under the chief
19 judge.
20 In this audit, there was a particular
21 officer by the name of Emily Pierce who received an
22 admonishment, and her supervisor told her that the
23 director said that she should have been
24 disciplined.

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<p style="text-align: right;">Page 93</p> <p>1 I said okay. I put a request of 2 information into the department. They then told 3 me, What is the relevance? That it had no 4 relevance, that they was not willing to turn over 5 these documents to me. 6 I then filed another complaint, put 7 another request. Mike Rohan personally responded 8 and said that all of this information was turned 9 over to the union previously, it preceded your 10 tenure. However, I'm going to provide the audit to 11 you for your review, and that is exactly what I 12 did. I reviewed all of the audit reports for every 13 unit within the probation department. 14 Q. Audit report, is that an audit of 15 discipline? What is an audit report? 16 A. So an audit -- so probation officers in 17 juvenile probation is very -- how can I say this -- 18 unique. I like to use those terms. Me being a 19 field probation officer, that makes up a lot of the 20 department, but we have certain specialized units 21 within the department. 22 And Emily Pierce was a field officer, 23 and as a field officer, you are required to do 24 investigations, complete case logs, complete case</p>	<p style="text-align: right;">Page 95</p> <p>1 legal counsel for the office of the chief judge, 2 they always say that this is a summary, so they 3 don't capture the entire meeting. They just 4 summarize. And the department actually do the same 5 thing, and they omit certain information within 6 this write-up to the union in the response. 7 And oftentimes I will respond by saying, 8 Well, you all omitted this. Why did you all omit 9 this? But because it became so tedious and because 10 my primary role was not just the union president 11 but also a field probation officer, that I could 12 not respond back to the department in every 13 instance. There was certain information that was 14 either omitted or left out or summarized during 15 these meetings. 16 Q. And you say "these meetings." Are these 17 the fourth level grievance hearings? Is that what 18 you are referring to? 19 A. First, second, third, fourth, yes. 20 Q. Okay. I don't think we covered this, 21 but is there a hearing meeting at the first level 22 of a grievance? 23 A. Yes. 24 Q. And who is present at that one</p>
<p style="text-align: right;">Page 94</p> <p>1 plans, do YASIs, do you Type 4Es, monitor your 2 clients, make all the referrals. I mean, a host of 3 things. And in this particular audit -- and it's 4 cited and I brought it to the chief judge's office, 5 and I showed him personally myself. 6 Q. You showed the chief judge? 7 A. No, his designee, Keith Sevcik. 8 Q. Who was it? 9 A. Keith Sevcik. 10 Q. Okay. 11 A. That the department decided to admonish 12 Emily Pierce, but they was looking to discipline 13 her. But in this audit it says that Dennis Brady 14 and Katie McGoldrick's audits was worse than Emily 15 Pierce. 16 Q. Give me the races of these because I 17 know where you are going, but just for the record. 18 A. So Emily Pierce is African-American, and 19 Katie and Dennis Brady are white. And in Keith's 20 decision, he denied the grievance because he said 21 that I did not provide enough information and that 22 this author could not determine that there was 23 racial discrimination taking place. 24 If you look at Keith and all of the</p>	<p style="text-align: right;">Page 96</p> <p>1 generally? 2 A. So if you review the CBA, it's supposed 3 to be the immediate supervisor, but because the 4 immediate supervisors are the same collective 5 bargaining unit as us, the department had said that 6 it is the deputy chief, which I was filing 7 grievances over that too because it says immediate 8 supervisor. And the law says that not even an 9 arbitrator can modify or change the language in the 10 contract, so it's the deputy chief probation 11 officers. 12 Q. Step 1? 13 A. Yes. 14 Q. And someone from the union, a steward? 15 Would the steward be there? 16 A. Yes, unless I filed a grievance 17 personally. I always wanted to be involved because 18 I noticed that there was something taking place 19 within the department, so any time that there was 20 an investigatory hearing, if there was some type of 21 discipline that was going to be imposed unless I 22 was on vacation or out of the office, I would 23 actually be present for these meetings. 24 Q. Was the employee present at Step 1?</p>

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1 A. He can be or she can be. But, yeah,
2 they have a right to be present.
3 Q. Okay. Step 2. Who is at Step 2?
4 A. The human resource director.
5 Q. Of the JPD?
6 A. Yes.
7 Q. Okay. And the employee?
8 A. Yes.
9 Q. And a union representative?
10 A. Yes.
11 Q. Step 3, who is there?
12 A. The director.
13 Q. Director of the JPD?
14 A. Yes.
15 Q. And the employee, right?
16 A. And the union, yes.
17 Q. And the union?
18 A. Uh-huh.
19 Q. You just have to say yes.
20 A. Yes.
21 Q. Step 4, who is present at that hearing?
22 A. It says the chief judge or his designee,
23 and the majority of the time it would be just the
24 designee.

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1 Q. And the union representative?
2 A. Yes.
3 Q. Is the employee there as well?
4 A. If they choose to be there, yes.
5 Q. Were you ever at a Step 4 grievance
6 hearing where the chief judge himself, Judge Evans,
7 was there?
8 A. No.
9 Q. So it was always a designee; is that
10 right?
11 A. Yes.
12 Q. Okay. Back to paragraph 22, is there
13 anything else that you have not mentioned yet, kind
14 of in a general manner, that at this time you felt
15 the things that were -- strike that. Just give me
16 a second to come up with a good question.
17 A. Well, can I make a statement real quick?
18 Q. Sure. Go ahead.
19 A. It's not that I felt, it was just the
20 evidence. It's the facts that was presented to me,
21 and it was not me personally. It was actually the
22 other probation officers who was bringing it to me
23 who felt this way. If you go over to the
24 department and speak to any probation officer over

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1 there, especially African-American, they will tell
2 you that they feel that there's some racial
3 discrimination taking place within the department.
4 So it's not me personally that felt a
5 certain way. It was certain information. I would
6 do my due diligence and request certain information
7 from the department, and I would just present the
8 evidence and information that was given to me. All
9 of these historical records and collection of
10 discipline records primarily came from the
11 department. The discipline records came from the
12 department.
13 Q. Let me put it this way. Are there any
14 other specific instances that you can think of
15 sitting here that you were directly involved with.
16 Not that happened to you, but that you were
17 involved in regarding instances of racial
18 discrimination that you have not talked about yet?
19 MR. GEOGHEGAN: Just for purposes of
20 clarification, that led him in paragraph 22 to
21 start looking at this information?
22 MR. HAYES: Yes. Thank you.
23 MR. GEOGHEGAN: Not necessarily --
24 MR. HAYES: Right. We are going to be getting

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1 into all kinds of other stuff.
2 MR. GEOGHEGAN: Not that happened.
3 BY THE WITNESS:
4 A. There was a record number of
5 investigatory hearings, like preinvestigatory
6 hearings, investigatory hearings, discipline
7 hearings, that each time I would be present, it
8 just happened to be an African-American probation
9 officer. And even when the African-American
10 probationary officer would be pleading, saying,
11 This is not what it is, the department would still
12 impose the discipline on that probation officer
13 despite their plea of innocence.
14 It kind of reminded me, again, of our
15 criminal justice system, where a majority of
16 African-Americans just happened to be coming
17 through and they received harsher sentences than
18 any other race within the City of Chicago. So it
19 seemed to me that it's kind of a microscopic
20 environment or replica of our criminal justice
21 system. I mean, I'm sure you even saw now, even
22 with the bail reform that the chief judge
23 implemented, that he now is implementing all of
24 this reform saying that African-Americans were not

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1 given a fair shake and their bail amount was
2 discriminatory. So if he has the fortitude to
3 implement reform for a system, I would think that
4 he would have the fortitude to institute a system
5 that impacts his employees directly.
6 I mean, there's no set standards. If
7 you look at the language that was imposed on a
8 white officer compared to a black probation
9 officer, they would use different terminology and
10 say that this probation officer falsified compared
11 to this white probation officer who had poor work
12 performance and just the disparity of length of the
13 suspension, if you look at the records, you can --
14 I mean, these are the department records. These
15 are not my records. Again, you can see how much a
16 white probation officer received compared to a
17 black probation officer. There's a big gap between
18 a three-month suspension and receiving a ten-day or
19 a day and a half comparable to similar offenses.
20 Q. And when you say -- you looked at their
21 records. Is that what you were referring to
22 before, the big box and then?
23 A. Yeah.
24 Q. Is that yes?

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1 A. Yes. It's the actual document where the
2 department or Mike Rohan would say, I'm imposing
3 this discipline because of X, Y, and Z. But then
4 if you look at the investigation that actually took
5 place, you would see that the department was saying
6 that this particular white probation officer lied
7 or your white and green time sheet cannot be
8 reconciled.
9 What that means is that probation
10 officers are required to complete what is called a
11 green itinerary. It's what we are supposed to do
12 that day, and, typically, sometimes we deviate from
13 that green sheet because of our clients and their
14 needs and I actually have to go and see a different
15 client than my green sheet.
16 But in a particular instance of a white
17 probation officer case, what Mike Rohan wrote was
18 that this is not an operation, that this is not --
19 meaning that this is not your first time and that
20 your time cannot be accounted for. Instead of
21 offering this white probation officer a last chance
22 agreement, a six-month or three-month suspension,
23 he said, I'm going to give you a day and a half
24 compared to a black probation officer. And the

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1 cases are not -- they are not saying that the black
2 probation officers did not do anything wrong. We
3 are saying that they admit that they may have done
4 something wrong, but we are just talking about the
5 disparity of the treatment that they received.
6 Q. What I'm looking for -- I just want to
7 know what records you reviewed kind of generally,
8 where they are, so that I can hopefully get them
9 and review them because I have not seen these yet.
10 That is where I'm trying to go with these
11 questions.
12 A. Okay. So it's the discipline records,
13 it's the confidential transaction list that Rose
14 sent to me in 2013.
15 Q. Is that the bid list?
16 A. No. The bid list is --
17 Q. We'll get into that.
18 A. Rose Golden had told me that she kept a
19 database of all of the discipline, and my first
20 attempt to get ahold of these records to show the
21 makeup of what these officers was accused of, what
22 they received, on this particular list is marked
23 confidential, and Rose provided that to me. That
24 is when I started.

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1 Q. Okay. And where is that list now, if
2 you know?
3 A. I mean, I have a copy.
4 Q. You have a copy?
5 A. Yeah.
6 Q. And you provided it to your lawyers; is
7 that right?
8 A. Yes.
9 Q. Okay.
10 A. But also the quarterly transaction list
11 that the department is supposed to turn over to the
12 union regarding medical leave, suspensions,
13 retirement, things of that nature.
14 Q. All right. Well, hopefully that is a
15 good segue into paragraph 23 of the complaint, and
16 I will just read it, Accordingly, in 2012 Jason
17 Smith made his first request for juvenile probation
18 officer discipline records for the preceding five
19 years. Do you see that?
20 A. Uh-huh.
21 Q. Is that what you are referring to right
22 now?
23 A. Yes.
24 Q. So who did you make this request to?

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<p style="text-align: right;">Page 105</p> <p>1 A. To Rose Golden and then --</p> <p>2 Q. Then let's --</p> <p>3 A. I'm sorry.</p> <p>4 Q. Again, you know who she is, I know who</p> <p>5 she is, but just to make a clear record, what is</p> <p>6 Rose Golden?</p> <p>7 A. At the time she was the human resources</p> <p>8 director.</p> <p>9 Q. Her race?</p> <p>10 A. She's white.</p> <p>11 Q. And at one time was Ms. Golden the</p> <p>12 acting director of JPD?</p> <p>13 A. She was.</p> <p>14 Q. But in 2012 when you made this request,</p> <p>15 she was the human resources director?</p> <p>16 A. That's correct.</p> <p>17 Q. Is that a deputy level position, is that</p> <p>18 right, if you know?</p> <p>19 A. I think any time you are promoted out of</p> <p>20 the bargaining unit, I think it's all a deputy</p> <p>21 level. I mean, if you look at the chief judge's</p> <p>22 budget, I think it's classified as a deputy unless</p> <p>23 you get into the director, but it's all kind of</p> <p>24 like the same thing to me.</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Were we done talking about all of the</p> <p>2 other instances of racial discrimination?</p> <p>3 Q. I was moving on from it, but if you want</p> <p>4 to mention some more, go ahead.</p> <p>5 A. Okay.</p> <p>6 Q. Just for timing here, I'm just trying to</p> <p>7 move it on. I only have so many hours with you, so</p> <p>8 I'm trying to move on as fast as I can. What I'm</p> <p>9 trying to do, what I think is going to happen is,</p> <p>10 I'm going to use the records to help kind of piece</p> <p>11 together things. But as much as I can get</p> <p>12 testimony from you today, that is what I'm doing.</p> <p>13 If there's a specific instance that you</p> <p>14 want to mention, feel free. I'm more than happy to</p> <p>15 get it on the record.</p> <p>16 A. I mean, even with the supervisor exam.</p> <p>17 Q. Yeah, we'll come to that. And, Tom, I'm</p> <p>18 just -- it's just a better way. I am not trying to</p> <p>19 cut you off. We'll get to it. If I don't --</p> <p>20 MR. GEOGHEGAN: I think the confusion started</p> <p>21 perhaps that you asked what led him to be</p> <p>22 interested in this subject.</p> <p>23 MR. HAYES: Right.</p> <p>24 MR. GEOGHEGAN: It's now turning into a</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. All right. And if you look at the next</p> <p>2 paragraph, 24, it says, On several occasions the</p> <p>3 defendant employer refused to turn over the</p> <p>4 records. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. So Ms. Golden did not turn over the</p> <p>7 records at your first request; is that correct?</p> <p>8 A. That's correct. She cited that</p> <p>9 something was wrong with the database, that she</p> <p>10 needed some time. Another time she said it was</p> <p>11 irrelevant. What is the relevancy of this request?</p> <p>12 Can you be more specific to your request? And that</p> <p>13 is when I actually made a request to the Office of</p> <p>14 the Chief Judge to have them turn over the records.</p> <p>15 Q. And did you get the records eventually?</p> <p>16 A. Yes.</p> <p>17 Q. And you still have these records in your</p> <p>18 possession; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Would the union have these records or</p> <p>21 no?</p> <p>22 A. They should.</p> <p>23 Q. Okay. Let's go to the next page, 7,</p> <p>24 paragraph -- sorry. Go ahead.</p>	<p style="text-align: right;">Page 108</p> <p>1 compilation of everything that --</p> <p>2 MR. HAYES: Yeah, I understand. I probably</p> <p>3 should have cut it off earlier because we are</p> <p>4 getting too specific.</p> <p>5 BY MR. HAYES:</p> <p>6 Q. Now I think that we are going to get</p> <p>7 into some specific stuff. So starting on paragraph</p> <p>8 26 of the complaint here, we are going to start</p> <p>9 getting into the data and things like that and kind</p> <p>10 of the more specific allegations?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Are you on paragraph 26, Mr. Smith?</p> <p>13 A. Uh-huh.</p> <p>14 Q. I'm just going to read the first part.</p> <p>15 In an effort to substantiate the racially disparate</p> <p>16 treatment of African-American probation officers,</p> <p>17 Local 3477 began to compile data reflecting</p> <p>18 categories of termination, suspensions, and written</p> <p>19 or verbal reprimands among the population of</p> <p>20 approximately 400 juvenile probation officers for</p> <p>21 the years 2008 through 2013. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Were you involved in that compilation of</p> <p>24 the data?</p>

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<p style="text-align: right;">Page 109</p> <p>1 A. Yes.</p> <p>2 Q. Is that what you have been previously</p> <p>3 talking about with all of these documents and</p> <p>4 records that you were reviewing at the time?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. And just to be clear, it was not just</p> <p>8 me. It's not just me compiling the data.</p> <p>9 Q. Right. And this was in 2012?</p> <p>10 A. Yes.</p> <p>11 Q. Who else compiled the data?</p> <p>12 A. A lot of the union stewards. We began</p> <p>13 to have steward meetings, talking about the data.</p> <p>14 Some probation officers were skeptical and afraid</p> <p>15 of me requesting discipline records.</p> <p>16 In one particular instance, a steward</p> <p>17 asked me that if I continued to request information</p> <p>18 regarding the discipline, that a probation officer</p> <p>19 is afraid that the statute of limitations had not</p> <p>20 expired regarding what took place with her.</p> <p>21 Q. And who was that?</p> <p>22 A. It was Shawna Varnado.</p> <p>23 Q. To your knowledge, did anything -- did</p> <p>24 she receive any discipline as a result of assisting</p>	<p style="text-align: right;">Page 111</p> <p>1 African-American probation officers, and I was not</p> <p>2 sure who was loyal to Mr. Das at that time. So I</p> <p>3 was the chief steward, vice president, president,</p> <p>4 steward, and --</p> <p>5 Q. Okay.</p> <p>6 A. -- political action committee person.</p> <p>7 So I was actually in charge of all of the stewards</p> <p>8 within the local.</p> <p>9 Q. That is what the chief steward does?</p> <p>10 A. Yes. And typically the vice president</p> <p>11 is the chief steward.</p> <p>12 Q. Okay. Do you recall when you were</p> <p>13 compiling this data and looking at the documents,</p> <p>14 was it in there how many -- strike that.</p> <p>15 Was there anywhere in these documents</p> <p>16 that broke down the race of each employee in the</p> <p>17 department?</p> <p>18 A. No.</p> <p>19 Q. How were you determining the race of</p> <p>20 these individuals, as you looked through these</p> <p>21 documents?</p> <p>22 A. As we were looking through the</p> <p>23 documents, we were -- so our department is</p> <p>24 1100 South Hamilton. We have outlying courthouses,</p>
<p style="text-align: right;">Page 110</p> <p>1 in the compilation of this data?</p> <p>2 A. No. A lot of the probation officers,</p> <p>3 especially the stewards, uncovered that they was</p> <p>4 going back and providing information to management.</p> <p>5 Q. Were there any non-African-Americans</p> <p>6 assisting in this compilation of data?</p> <p>7 A. Yes.</p> <p>8 Q. And who was that, if you can remember?</p> <p>9 A. Ron Dusman, Christen Loeb. I can't</p> <p>10 think of the other. I think she retired.</p> <p>11 Q. And were these white officers?</p> <p>12 A. Yes.</p> <p>13 Q. And your role in this compilation of</p> <p>14 data, would you say that you were in charge of this</p> <p>15 compilation of data?</p> <p>16 A. As a chief steward, yes.</p> <p>17 Q. Now, you threw a new term at me. What</p> <p>18 is a chief steward?</p> <p>19 A. So I wore many hats when I was the vice</p> <p>20 president and president because what I noticed is</p> <p>21 that -- and it's not -- the union is not part of</p> <p>22 the lawsuit, but what I noticed was that a lot of</p> <p>23 the things was taking place under the previous</p> <p>24 president, Avik Das, when it came to discipline for</p>	<p style="text-align: right;">Page 112</p> <p>1 Markham, Maywood, Rolling Meadows, Skokie. If you</p> <p>2 look at the makeup of these courthouses, Maywood is</p> <p>3 particularly made up of African-Americans and</p> <p>4 Latinos, Bridgeview, maybe a little more mixed, and</p> <p>5 Markham is more African-Americans, but if you look</p> <p>6 at Rolling Meadows and Skokie, they are actually,</p> <p>7 the majority, white probation officers.</p> <p>8 So you can actually call -- and because</p> <p>9 I was familiar with a lot of the probation</p> <p>10 officers, because a lot of the probation officers</p> <p>11 at one point was in jeopardy of losing their jobs,</p> <p>12 and I actually organized over 150 probation</p> <p>13 officers to storm the Cook County board room and a</p> <p>14 mix of probation officers actually attended this</p> <p>15 rally, and so I got to know a lot of these</p> <p>16 probation officers.</p> <p>17 When I would hold my quarterly or</p> <p>18 monthly meetings with the membership, a lot of the</p> <p>19 probation officers would attend, over 175 probation</p> <p>20 officers would come to these meetings to hear the</p> <p>21 information. So we was actually able to look at</p> <p>22 the sign-in sheet, greet a lot of the probation</p> <p>23 officers, and that is how we was able to make the</p> <p>24 determination.</p>

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1 We would talk to other probation
2 officers who was familiar with a particular
3 probation officer name, who actually knew that
4 probation officer and knew -- they would say, Yes,
5 that probation officer is either African-American
6 or white. So if you look at Kelly Flanagan, who
7 was in our department, everybody would assume that
8 she's white, but she's not, she's African-American.
9 So we just did not go by the name. We actually did
10 our due diligence to make sure that this particular
11 probation officer that they was referencing was
12 actually someone of a different race.
13 Q. So in compiling this data, you are
14 confident sitting here today that you knew the
15 correct race of every probation officer?
16 A. Yes.
17 Q. Okay.
18 MR. GEOGHEGAN: Off the record for a second.
19 (WHEREUPON, discussion was had off
20 the record and a recess was had.)
21 BY MR. HAYES:
22 Q. Mr. Smith, before we broke for lunch, we
23 were talking about the complaint, if you could get
24 that back in front of you. That is Exhibit 3, and

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1 turn back to page 7. We were talking about
2 paragraph 26, but now I want to move on to the next
3 several paragraphs that we are going to talk about,
4 27 through 33, which run from page 7 to 10. Let's
5 start with paragraph 27.
6 A. Okay.
7 Q. It says, For the year 2008, there are a
8 total of 12 terminations and/or suspensions. Of
9 the 12, ten were African-American, one was
10 Caucasian, one was Latino, zero was other, and then
11 it gives percentages. And then it says, For the
12 year 2007, there was a total of one written or
13 verbal reprimand. The one was Latino. Do you see
14 that?
15 A. Yes.
16 Q. Now, this information that is contained
17 in paragraph 27, is this the data that was compiled
18 by the union that we talked about in paragraph 26?
19 A. Yes.
20 Q. Okay. So this is data that you helped
21 compile as a member of the union, right?
22 A. It's data that was compiled from the
23 information that management provided.
24 Q. Right. The records that we have talked

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1 about previously, right?
2 A. Uh-huh, yes.
3 Q. Okay. Did the union compile the data in
4 the form as it is in this complaint?
5 A. I believe so. I believe so.
6 Q. Okay. So you see in paragraph 27 here
7 it says that ten were African-American and then it
8 has 83 percent. Do you see that?
9 A. Uh-huh.
10 Q. And do you know what that percentage
11 is -- what that is a percentage of?
12 A. I'm assuming it's the percentage of the
13 termination or suspensions.
14 Q. For that year, right?
15 A. I believe so.
16 Q. Okay. Did the union put percentages on
17 this data when it was compiling it, if you know?
18 A. I would have to see the documents to
19 give a more accurate response but --
20 Q. Okay. Then also still on paragraph 27,
21 it said, 12 terminations and/or suspensions, so
22 these set of numbers include terminations and
23 suspensions; is that right? Is that your
24 understanding?

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1 A. Yep.
2 Q. Do you know if the union ever separated
3 out terminations from the suspensions?
4 A. I believe they did.
5 Q. Do you know if there would be any record
6 of that in the data that was compiled by the union?
7 A. Again, there's a lot of documents, so I
8 would actually have to see the documents. But I do
9 recall having a conversation with Mike Willis about
10 the terminations and suspensions and kind of
11 breaking it down.
12 Q. Breaking it down differently, as in
13 terminations versus suspensions?
14 A. Yes.
15 Q. If it was in the documents, would that
16 be in your possession?
17 A. Yes.
18 Q. If we go -- still paragraph 27 -- and we
19 are not going to go through every one. I just want
20 to kind of get a general review of it.
21 It says at the last sentence of 27, For
22 the year 2008, there was a total of one written or
23 verbal reprimand and one was Latino. Do you see
24 that?

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1 A. Yes.

2 Q. And what is the difference between a

3 written and a verbal reprimand?

4 A. A verbal reprimand per the collective

5 bargaining agreement stays in your file for 12

6 months. Whereas, a written reprimand stays in your

7 file for 18 months, so it's still documented, in a

8 sense, but I guess procedurally-wise, I guess --

9 and I can only assume the department wanted to

10 document that this probation officer received a

11 verbal reprimand.

12 Q. And then after that, the prescribed time

13 period, that is removed from the personnel file of

14 the employee?

15 A. Yes.

16 Q. Does the employee have to ask for it or

17 is it automatic?

18 A. It's supposed to be automatic. Yeah,

19 it's supposed to be automatic, but if the probation

20 officers are not reviewing their personnel file,

21 then I'm assuming that it would still be in their

22 personnel file. There is no notification that the

23 department sent saying, This verbal or written

24 reprimand is removed from your personnel file, not

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1 that I seen through my tenure.

2 Q. Okay. As a result of having either one

3 of these reprimands in your personnel file, does

4 anything bad happen to the employee?

5 A. Yes.

6 Q. What?

7 A. For me, it's all about character. I

8 mean, if a person is reviewing your personnel file,

9 especially from an outside entity, they will see

10 that you have been disciplined before, similar to

11 this document. I'm assuming this came from my

12 personnel file.

13 Q. Can you refer to -- just say what

14 exhibit number that is, for the record.

15 A. Exhibit 1.

16 Q. Okay.

17 A. Similar to this document, I'm assuming

18 it came from my personnel file. The collective

19 bargaining agreement says that any temporary

20 suspension that didn't result in a conviction is

21 supposed to be removed from my personnel file,

22 which is not -- the reason why it is not a

23 discipline, but apparently this is in my personnel

24 file.

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1 Q. You said outside entity reviewing your

2 personnel file. What outside entity would review

3 personnel files?

4 A. Any company that you may be applying

5 for, they may request certain information regarding

6 that probation officer. If you are applying for a

7 secondary employment, you know, anything, you know,

8 of that nature.

9 Q. Okay. Does -- generally speaking, if

10 you know, does an employee of JPD lose any pay or

11 benefits as a result of having a written or verbal

12 reprimand in their file?

13 A. No.

14 Q. Is there anything in the CBA that if you

15 have so many, then maybe a suspension happens or

16 anything like that?

17 A. No. There is no set standards in the

18 department.

19 Q. So someone could rack up a dozen of

20 these in their file and the only result would be

21 that you have a dozen of these in your file; is

22 that right?

23 A. Basically, yes, in a sense there's a

24 dozen, but, again, it comes to your character. I

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1 mean, I would think that if someone has been

2 written up so many times, if you are challenging

3 these written reprimands, it gets -- it becomes a

4 little bit -- I mean, I understand where you are

5 coming from, but from a person who takes pride in

6 the job that they do or that I do, racking up so

7 many written reprimands, especially if you feel

8 like you have not done anything wrong or they are

9 justifying it by just the slightest imposition of

10 some type of violation of department policy, I

11 mean, it can damage a person's morale, you know,

12 make them not want to come to work, feeling

13 depressed, so on and so forth.

14 So when you are looking at it from a

15 monetary perspective, I'm looking at it as a more

16 general perspective of that probation officer, how

17 they feel about their work.

18 Q. Do you know if -- again, if you know.

19 If having a verbal or written reprimand in your

20 personnel file would cause an employee to not get a

21 transfer?

22 A. I would have to review the CBA, but I

23 think it's only suspensions that prevent --

24 Q. Well, are you aware of any instance

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<p style="text-align: right;">Page 121</p> <p>1 where someone did not get a transfer because they</p> <p>2 had a verbal or written reprimand in their file?</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. Okay.</p> <p>5 A. Well, let me take that back. It could</p> <p>6 impact your merit pay, so it could prevent you from</p> <p>7 getting merit pay at the end of the year.</p> <p>8 Q. And how would it do that?</p> <p>9 A. I mean, if you are getting a written</p> <p>10 reprimand, one would say that you have been</p> <p>11 disciplined, so how can you actually exceed on your</p> <p>12 performance evaluation if you have been</p> <p>13 disciplined. It's still up to that particular</p> <p>14 supervisor, but, I mean, I would think that would</p> <p>15 call into question the integrity of the performance</p> <p>16 evaluation.</p> <p>17 Q. Yeah, but that was general. Were you</p> <p>18 aware of any specific instances where that</p> <p>19 happened?</p> <p>20 A. I can't recall at this time.</p> <p>21 Q. Okay. I'm not going to go through all</p> <p>22 of the other ones all of the way through paragraph</p> <p>23 33, but if you could look at it and just confirm</p> <p>24 that the union did compile data that you see here.</p>	<p style="text-align: right;">Page 123</p> <p>1 management to decide the days?</p> <p>2 A. There's no set standards.</p> <p>3 Q. Okay. So there's no, like, progressive</p> <p>4 discipline laid out in the CBA?</p> <p>5 A. Supposed to be. It's supposed to be a</p> <p>6 verbal, written, suspension, and then possibly</p> <p>7 termination.</p> <p>8 Q. And the CBA lays that out, or is that --</p> <p>9 A. Is how it's laid out in the CBA.</p> <p>10 Q. Okay. On page 10 there, paragraph 34 --</p> <p>11 A. Okay.</p> <p>12 Q. -- it says, Union Local 3477 also</p> <p>13 performed an analysis of the labeling utilized by</p> <p>14 the defendants to describe the misconduct allegedly</p> <p>15 committed by juvenile probation officers during the</p> <p>16 period 2008 through 2013. Do you see that?</p> <p>17 A. Uh-huh.</p> <p>18 Q. And was that done as part of the same</p> <p>19 compilation of data that we talked about in</p> <p>20 paragraph 26 by the union?</p> <p>21 A. Yes.</p> <p>22 Q. And this analysis was done by reviewing</p> <p>23 all of the discipline and other records that you</p> <p>24 had received?</p>
<p style="text-align: right;">Page 122</p> <p>1 A. I mean, it looks correct.</p> <p>2 Q. And I understand that you don't -- I</p> <p>3 understand. Does anything look off to you?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 A. I mean, without having my document in</p> <p>7 front of me.</p> <p>8 Q. That's fine.</p> <p>9 A. But it looks accurate.</p> <p>10 Q. I understand. So we talked about</p> <p>11 reprimands, and termination is self-explanatory.</p> <p>12 A suspension is defined as a discipline</p> <p>13 in the CBA, right?</p> <p>14 A. I'm sorry. Say it again.</p> <p>15 Q. A suspension is defined as a discipline</p> <p>16 in the CBA; is that right?</p> <p>17 A. Verbal, written, yes, and termination.</p> <p>18 Q. And a suspension?</p> <p>19 A. Yes.</p> <p>20 Q. Are suspensions that are considered</p> <p>21 discipline, are they always without pay?</p> <p>22 A. Yes.</p> <p>23 Q. And does the CBA have kind of a set</p> <p>24 step, like one, three-day, or is it up to</p>	<p style="text-align: right;">Page 124</p> <p>1 A. It was done off of the records that</p> <p>2 was -- that the union had available at that time.</p> <p>3 Q. You talked about this before, but you</p> <p>4 know what it's referring to when it says, The</p> <p>5 labeling utilized by defendants? You know what</p> <p>6 this is referring to?</p> <p>7 A. Yes, because they have a -- the</p> <p>8 department has a label of what the actual offense</p> <p>9 was or the supposed actual offense.</p> <p>10 Q. Is that like a list somewhere?</p> <p>11 A. Again, yes, there's a list.</p> <p>12 Q. And is this laid out in the CBA or no?</p> <p>13 A. It's not laid out in the CBA. It's what</p> <p>14 Rose Golden provided to the union.</p> <p>15 Q. All right.</p> <p>16 A. But maybe I'm not understanding your</p> <p>17 question correctly. You said something about the</p> <p>18 CBA.</p> <p>19 Q. Yeah. Does the CBA have a list of these</p> <p>20 are --</p> <p>21 A. Punishable offenses?</p> <p>22 Q. Yeah.</p> <p>23 A. No. Again, there's no set standards.</p> <p>24 Q. Thanks. You asked the question better</p>

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<p style="text-align: right;">Page 125</p> <p>1 than I did.</p> <p>2 The next paragraph, 35, says, The</p> <p>3 analysis revealed that the defendant employer was</p> <p>4 using its records, a descriptive label to describe</p> <p>5 the character of misconduct for a</p> <p>6 non-African-American probation officer that was</p> <p>7 less aggravating but would use a different, more</p> <p>8 aggravating label for an African-American probation</p> <p>9 officer who was accused of committing a similar</p> <p>10 type of misconduct. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And, again, you were involved in this</p> <p>13 analysis, right?</p> <p>14 A. Yes.</p> <p>15 Q. Can you give me an example of where the</p> <p>16 defendant used a more aggravating label for</p> <p>17 an African-American officer than for a</p> <p>18 non-African-American officer?</p> <p>19 A. Yeah, Joi Basley.</p> <p>20 Q. What happened there?</p> <p>21 A. Joi Basley initially was suspended for</p> <p>22 three months for falsification, under whatever</p> <p>23 duress or maybe even committing the offense of</p> <p>24 falsification, which she probably did. I am not</p>	<p style="text-align: right;">Page 127</p> <p>1 he'll come back and give me an opportunity to</p> <p>2 correct my mistake, and I would actually resubmit</p> <p>3 an amended white sheet and say, No, I did not see</p> <p>4 that kid, it's impossible because I was in the</p> <p>5 office all day. That is the point of</p> <p>6 investigation.</p> <p>7 Well, in this instance, Joi Basley did</p> <p>8 exactly the same thing, and her supervisor in an</p> <p>9 e-mail to me actually admitted that he recognized</p> <p>10 that it was a mistake. So he did not want to go to</p> <p>11 discipline, but apparently Mike Rohan got wind of</p> <p>12 what happened because I guess the supervisor had to</p> <p>13 give a report about Joi Basley's progression, and</p> <p>14 he said that was falsification and her employment</p> <p>15 was terminated.</p> <p>16 Whereas, you had Kevin Gavin --</p> <p>17 Q. Wait. So she was terminated or just</p> <p>18 suspended?</p> <p>19 A. She was initially suspended for three</p> <p>20 months for falsification, and then the second time</p> <p>21 around, her employment was terminated based off</p> <p>22 that one mistake because it was a last chance</p> <p>23 agreement.</p> <p>24 Q. Okay. Did she do something wrong the</p>
<p style="text-align: right;">Page 126</p> <p>1 questioning that.</p> <p>2 She was suspended for three months. She</p> <p>3 then returned to work, and the department had given</p> <p>4 her a last chance agreement, meaning that anything</p> <p>5 that you did, if you spit wrong in the department</p> <p>6 bathroom, you could possibly be terminated.</p> <p>7 So what happened, Joi Basley came back</p> <p>8 to work. She was under a corrective action plan,</p> <p>9 and, again, probation officers are required to have</p> <p>10 like a green sheet, meaning what you intend to do,</p> <p>11 and a white sheet, meaning what you actually did on</p> <p>12 that day. So she put down on her green sheet --</p> <p>13 and I was directly involved in this.</p> <p>14 Q. Which would be my next question.</p> <p>15 A. Yeah, I was directly involved. She put</p> <p>16 on her green sheet that she saw such-and-such</p> <p>17 client. She actually didn't, but she transferred</p> <p>18 from her green sheet onto her white sheet that she</p> <p>19 did, which I made that mistake because in my head,</p> <p>20 you know, I have investigations, I have so many</p> <p>21 things going on, I'm actually thinking, Well, I</p> <p>22 possibly could have saw that kid.</p> <p>23 Now, if your supervisor checks your</p> <p>24 work, he'll say, Is your white sheet correct? And</p>	<p style="text-align: right;">Page 128</p> <p>1 second time?</p> <p>2 A. No. She made a mistake. She actually</p> <p>3 transferred the green sheet over to a white sheet</p> <p>4 mistake.</p> <p>5 Q. And you are the union steward; is that</p> <p>6 right, or whatever, union representative; is that</p> <p>7 right?</p> <p>8 A. Yes, yes. But you asked for a</p> <p>9 comparable.</p> <p>10 Q. Yeah. I was going to follow up. How is</p> <p>11 that more aggravating compared to similar conduct</p> <p>12 of a non-African-American employee?</p> <p>13 A. So here you have Kevin Gavin, who</p> <p>14 apparently did exactly the same thing. If you look</p> <p>15 at the record for Kevin Gavin, he initially got a</p> <p>16 written reprimand for something similar to Joi</p> <p>17 Basley, but it was a written reprimand.</p> <p>18 In that document, the second time</p> <p>19 around, Mike Rohan says that, This is not</p> <p>20 aberration, that this is something that has</p> <p>21 happened before, and your white sheet and green</p> <p>22 sheet cannot be reconciled. Meaning that he's not</p> <p>23 using the word "falsification," but he's</p> <p>24 questioning the integrity of your white sheet and</p>

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<p style="text-align: right;">Page 129</p> <p>1 your green sheet, meaning that you did not do</p> <p>2 something right and your time is not accountable.</p> <p>3 To not have any set standards in the</p> <p>4 department, how can you then make a determination</p> <p>5 that that is not falsification for a white</p> <p>6 probation officer, but for a black probation</p> <p>7 officer, who the second time around admits to a</p> <p>8 mistake, you terminate her employment by</p> <p>9 classifying it as falsification. But Kevin Gavin</p> <p>10 was given just a day and a half suspension.</p> <p>11 Q. Okay.</p> <p>12 A. For his second offense.</p> <p>13 Q. So he got the same thing. Did he get a</p> <p>14 last chance agreement?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. If you look at -- and hopefully you'll</p> <p>18 get all of the documents.</p> <p>19 Q. Oh, I hope so too.</p> <p>20 A. You'll see the list, and on this list</p> <p>21 you'll see that no white probation officer was ever</p> <p>22 given a last chance agreement, no white probation</p> <p>23 officer.</p> <p>24 Q. So there's a list that lists everyone</p>	<p style="text-align: right;">Page 131</p> <p>1 go to the director.</p> <p>2 In this instance, Mike Rohan received a</p> <p>3 report, and rather than Kevin Gavin challenging any</p> <p>4 type of predisciplinary hearing, he just took the</p> <p>5 day and a half and that is it. Whereas, with</p> <p>6 African-American probation officers, they usually</p> <p>7 fight their discipline, and that is the reason why</p> <p>8 oftentimes, and not in this -- well, let me</p> <p>9 rephrase that.</p> <p>10 Joi Basley did not fight her three-month</p> <p>11 suspension. She actually accepted it under duress,</p> <p>12 so did Anthony Jordan. But normally they cut it</p> <p>13 off before it gets to a certain point, that they</p> <p>14 just impose the discipline, and typically the white</p> <p>15 probation officers, they don't file grievances.</p> <p>16 And you'll see that on the list.</p> <p>17 Q. All right. Back to 35. Can you think</p> <p>18 of any other specific examples where the labels</p> <p>19 were different for African-Americans and</p> <p>20 non-African-Americans?</p> <p>21 A. Judy Prophete.</p> <p>22 Q. Okay. Are you directly involved in that</p> <p>23 one?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 130</p> <p>1 that got last chance agreements?</p> <p>2 A. This came from the department.</p> <p>3 Q. And they provided it to the union?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know if Kevin Gavin and Joi</p> <p>6 Basley had the same supervisor?</p> <p>7 A. Not that I'm aware of. He was not in</p> <p>8 the same unit.</p> <p>9 Q. Was it around the same time?</p> <p>10 A. His was a little bit before Joi Basley.</p> <p>11 Q. What year -- I think we are getting --</p> <p>12 A. I think Joi Basley was terminated in</p> <p>13 2014, if I'm not mistaken.</p> <p>14 Q. I lost the question, but it came back.</p> <p>15 Were you involved as a union rep in Kevin Gavin's</p> <p>16 grievance?</p> <p>17 A. No. It was not a grievance.</p> <p>18 Q. So it was just a discipline?</p> <p>19 A. So what normally happens, the department</p> <p>20 has a tendency to cut off things before it kind of</p> <p>21 manifests itself, so a report is sent to Mike Rohan</p> <p>22 and it's supposed to be that the deputies have the</p> <p>23 authority to suspend a probation officer for three</p> <p>24 days. Anything above the three days is supposed to</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. That would have been through a review of</p> <p>2 the documents?</p> <p>3 A. Yes.</p> <p>4 Q. Could you just give me a kind of brief</p> <p>5 overview of what the documents showed about her?</p> <p>6 A. The documents would show that she lied</p> <p>7 about making certain home visits. The document</p> <p>8 would show that --</p> <p>9 Q. Sorry. I forgot. She's white? Is she</p> <p>10 white?</p> <p>11 A. Yeah, she's white.</p> <p>12 Q. Sorry. Go ahead.</p> <p>13 A. The document would show that the</p> <p>14 department actually thought that and believed that</p> <p>15 she falsified. There were conversations that was</p> <p>16 taking place saying that this was not</p> <p>17 falsification. However, the department only</p> <p>18 suspended her for seven days and never gave her a</p> <p>19 last chance agreement, but it's the write-up for</p> <p>20 the predisciplinary hearing and the investigatory</p> <p>21 hearing.</p> <p>22 But it will show that over an extended</p> <p>23 period of time, she was not in compliance with the</p> <p>24 department policies.</p>

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1 Q. Any other ones about the labeling that
2 you can think of as you sit here, specific
3 examples?
4 A. Well, if you look at -- I'm never trying
5 to be rude or anything, so if it comes across that
6 way, please don't take it that way.
7 Q. That's okay.
8 A. If you look at the information in the
9 lawsuit, there was rarely any whites that was
10 really disciplined. Even Mike Willis, to the
11 Illinois Human Rights Commission said that whites
12 are rarely disciplined within the department.
13 So if you can see from the data, there
14 was not a lot of whites that was being disciplined,
15 just the information that we received per the
16 union, we was able to compile these records and
17 these documents and see that certain terminologies
18 was being used to justify just a day and a half
19 suspension for these particular officers.
20 Q. So there weren't -- I'm just trying to
21 get which notes. You can't think of any -- or can
22 you, any other specific examples of labeling
23 disparities as you sit here?
24 A. Well, they started to use whites as

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1 scapegoats, if that is what you are talking about.
2 They used Ed Walsh as a scapegoat to try to cover
3 up what they was trying to do as far as
4 disciplining more whites, after I started filing
5 complaints and grievances over racial
6 discrimination.
7 William Patterson said in the chief
8 judge's office, in front of Keith Sevcik, that if
9 the union wasn't complaining about discrimination,
10 you wouldn't be here. That is verbatim.
11 Q. You are making me jump around now.
12 A. I'm sorry.
13 Q. No, don't be sorry. It's fine.
14 If you could look at page 11,
15 paragraph 38, I think that is exactly what you are
16 talking about. Recently, the defendant, chief
17 judge, has permitted or acquiesced to actions of
18 the Cook County Department of Juvenile Probation,
19 making bad faith claims of misconduct by white or
20 non-African-American probation officers so as to
21 portray past and current disciplinary acts as
22 evenhanded for all probation officers regardless of
23 race. Do you see that?
24 A. Yes.

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1 Q. Is that what you were just referring to?
2 A. Yes.
3 Q. Do you have any specific personal
4 knowledge of any of these bad faith claims?
5 A. Yes.
6 Q. Could you give me a name?
7 A. Dan Walsh.
8 Q. Dan Walsh who you just talked about,
9 right?
10 A. Yes.
11 Q. Were you the union representative on
12 that?
13 A. Yes.
14 Q. Sorry. Could you again briefly describe
15 what specifically happened to Mr. Walsh?
16 A. Ed Walsh was cited for insubordination.
17 There was an instance where the department had
18 begun to tell probation officers not to go in court
19 and advocate for certain juveniles to be held in
20 custody, despite them having serious offenses. And
21 Ed Walsh had told his supervisor that he had to
22 give the judge all of the required information.
23 He then submitted a report to the judge
24 and to the attorney, I believe, and I can't recall

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1 verbatim the case, but he submitted a report, and
2 he then went back and took out the report out of
3 the folder on the file of the client. And he
4 supposedly had a conversation with his supervisor
5 about it, and they said that it was insubordination
6 because he did not follow the directive of his
7 immediate supervisor, but we did not see any type
8 of insubordination.
9 And for William Patterson to actually
10 state that if it was not for the union complaining
11 about racial discrimination, it verified my belief
12 that the only reason why he was here was because of
13 them trying to cover up what had actually taken
14 place in juvenile probation because why would he
15 make that statement.
16 Q. Did you hear Mr. Patterson make that
17 statement?
18 A. Yes, and Ed Walsh and another union
19 steward who was present as well and Keith Sevcik.
20 Q. This was -- was this during one of the
21 grievance step hearings?
22 A. Yes.
23 Q. And do you remember which step it was?
24 A. It was Step 4 at the Office of the Chief

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<p style="text-align: right;">Page 137</p> <p>1 Judge.</p> <p>2 Q. Okay.</p> <p>3 A. Now, Ed Walsh had never been disciplined</p> <p>4 before, never received a verbal, written, and they</p> <p>5 jumped immediately to suspension, and he has over</p> <p>6 20 years of service in the department.</p> <p>7 Q. So it's your belief that Mr. Walsh was</p> <p>8 disciplined to cover up the discipline of</p> <p>9 African-Americans; is that right?</p> <p>10 A. Initially, I did not believe that. When</p> <p>11 we was going through the first, second, and third</p> <p>12 steps, we was just going through the process, but</p> <p>13 when William Patterson actually said what he</p> <p>14 actually said to Ed Walsh, I told Keith Sevcik,</p> <p>15 It's supposed to be just cause, not just because of</p> <p>16 his color.</p> <p>17 Q. Now, I know that you were there. To the</p> <p>18 best of your recollection, can you give me a quote</p> <p>19 of what Mr. Patterson said?</p> <p>20 A. He said if it wasn't for the union,</p> <p>21 which --</p> <p>22 Q. I don't want you to speculate, just</p> <p>23 exactly what he said.</p> <p>24 A. He said if it was not for the union</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. But you weren't involved in that one,</p> <p>2 correct?</p> <p>3 A. At the beginning and then I kind of</p> <p>4 veered off of the case.</p> <p>5 Q. Are there any other ones, bad faith</p> <p>6 claims of misconduct, against white or</p> <p>7 non-African-American probation officers, that you</p> <p>8 were involved in?</p> <p>9 A. Nancy Friedman.</p> <p>10 Q. Tell me about that one.</p> <p>11 A. She's deceased. She was a --</p> <p>12 Q. What is her race before we start?</p> <p>13 A. She's white. She was given a written</p> <p>14 reprimand for being late to a training that she had</p> <p>15 to come from Skokie into the city to attend, and</p> <p>16 she was late for a training. During the hearings,</p> <p>17 Nancy Friedman explained to them the reason why she</p> <p>18 was late, and the department basically said, We</p> <p>19 don't want to hear it, we just want to give you a</p> <p>20 written reprimand. There was really no</p> <p>21 justification for them actually giving a written</p> <p>22 reprimand, in my opinion, because she was stuck in</p> <p>23 traffic. Now, if she intentionally was late or</p> <p>24 somehow just was playing out on the street, but</p>
<p style="text-align: right;">Page 138</p> <p>1 complaining about racial discrimination, you would</p> <p>2 not be here.</p> <p>3 Q. And Mr. Patterson's position is what?</p> <p>4 A. Human resource director.</p> <p>5 Q. Okay. Of the juvenile probation</p> <p>6 department?</p> <p>7 A. Yes.</p> <p>8 Q. And Mr. Patterson's race?</p> <p>9 A. He's African-American.</p> <p>10 Q. Outside of Mr. Walsh, do you have any</p> <p>11 other specific examples of bad faith, claims of</p> <p>12 misconduct against white or non-African-American</p> <p>13 probation officers?</p> <p>14 A. I believe -- and I did not see the case</p> <p>15 through because I wasn't involved in the union</p> <p>16 anymore, so I want to give you another case but I</p> <p>17 don't --</p> <p>18 Q. If you would give me a name, that would</p> <p>19 be helpful?</p> <p>20 A. Tina Guarnuer.</p> <p>21 Q. Tina?</p> <p>22 A. Yeah.</p> <p>23 Q. And how do you spell her last name?</p> <p>24 A. G-u-a-r-n-u-e-r.</p>	<p style="text-align: right;">Page 140</p> <p>1 this was a 70-year-old woman who was late for a</p> <p>2 training, that had been there for over 50 years, I</p> <p>3 believe -- no. She had been there for -- let's</p> <p>4 see. Nancy Friedman, I believe, was there for 38</p> <p>5 years before she decided to retire.</p> <p>6 Q. Any other ones that you were involved in</p> <p>7 personally?</p> <p>8 A. Not that I can remember offhand right</p> <p>9 now, but, again, there was not a lot of white</p> <p>10 probation officers being disciplined during that</p> <p>11 time.</p> <p>12 Q. Let's see. Still on page 11. The next</p> <p>13 one is 39. That is Ed Walsh. We already talked</p> <p>14 about him, right?</p> <p>15 A. Yes.</p> <p>16 Q. The next one is No. 32. It must have</p> <p>17 got misnumbered. It says, Previously actions by</p> <p>18 white officers did not receive the same discipline</p> <p>19 or scrutiny as actions by their African-American</p> <p>20 peers. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then it talks about four</p> <p>23 white female probation officers who were</p> <p>24 romantically and sexually involved with clients,</p>

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1 and none were terminated or prosecuted. Let's
2 start with that one.
3 A. Okay.
4 Q. Did you have any personal involvement in
5 any of those, I guess, issues?
6 A. No.
7 Q. Okay. Did you review documents that
8 talked about this?
9 A. No.
10 Q. In the last sentence here and still in
11 the paragraph 32, asterisk, I'll call it, in
12 another case, a white probation officer was using
13 county funds to purchase purses, but she was not
14 terminated. Do you see that?
15 A. Yes.
16 Q. Were you involved in that?
17 A. No.
18 Q. Did you ever recall reviewing documents
19 about that case?
20 A. No. She was not in the bargaining unit.
21 Q. Okay. But you know who it is referring
22 to?
23 A. I don't deal in speculations, so
24 anything that is factual, I provide. But of course

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1 rumors are rampant throughout the department, and
2 apparently people have access to information that
3 other people are not privy to have. But I have
4 heard about the probation officer who used county
5 funds to purchase purses, and she actually -- and
6 it might be another reason why she was demoted.
7 Q. Can you give me her name?
8 A. Again, I don't deal in speculations.
9 Q. I know, but you obviously know who it is
10 talking about, and I just need it so I can review
11 it and look it up.
12 A. I don't deal in speculations.
13 Q. I would really --
14 A. You have to talk to your --
15 MR. GEOGHEGAN: We'll take that under
16 advisement.
17 MR. HAYES: Okay. Thanks.
18 BY MR. HAYES:
19 Q. Let's move on to paragraph 40 here, and
20 I'll read this one. In 2014, with the aid of the
21 compiled records, Jason Smith sent a letter to the
22 Civil Rights Division, Employment Litigation
23 Section, Department of Justice, requesting the
24 initiation of an investigation in the racial

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1 discrimination within the Cook County Juvenile
2 Probation Department. A copy of the letter was
3 sent to defendant, chief judge. Do you see that?
4 A. Yes.
5 Q. And did you send a letter to the
6 Department of Justice?
7 A. Yes.
8 (WHEREUPON, a certain document was
-10:-22:-47 marked Smith Deposition Exhibit
10 No. 4, for identification.)
11 BY MR. HAYES:
12 Q. Okay. Mr. Smith, you have been handed
13 Exhibit 4. I know it's going to get slightly
14 confusing. It's Bates labelled -- the first page
15 is Jordan 82, and then it goes 81, then it drops to
16 77, 78, 79, 80, 83. Is that what you have?
17 A. Yes.
18 Q. Okay. Now, I can tell you what I did
19 was, I tried to put it in what I thought was the
20 order it was probably sent, but we can talk about
21 that. That is why the Bates labels are a little
22 off.
23 A. Okay.
24 Q. Is this the letter that you sent to the

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1 Department of Justice?
2 A. Pages 1 and 2.
3 Q. So --
4 A. Well, no, because it does not have my
5 signature at the bottom.
6 Q. Right. If you look at 83, which is the
7 last page --
8 A. Uh-huh.
9 Q. -- does that go with this letter or is
10 this different?
11 A. 83 and 82 go together.
12 Q. Okay. What does 77, 78, 79, and 80 go
13 with, if you know?
14 A. It's a report that I gave to the Office
15 of the Chief Judge and Cook County juvenile
16 probation, that I used during the grievance
17 process.
18 Q. Okay. So this is more than the letter
19 that you sent to the Department of Justice; is that
20 right?
21 A. Yes.
22 Q. Again, apologies. I was trying to piece
23 it together. If you recall, how long was the
24 letter that you sent to the Department of Justice?

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1 A. Two pages.
2 Q. Okay. Do you think there's some missing
3 on 80 and 81 -- or, sorry, 82 and 81, or is it just
4 your signature there?
5 MR. GEOGHEGAN: Off the record.
6 (WHEREUPON, discussion was had off
7 the record.)
8 BY MR. HAYES:
9 Q. Let's try to get this cleaned up as best
10 as we can. We talked about it off the record a
11 little bit. It appears that Jordan deposition --
12 sorry -- Jordan Bates No. 82, 81, and 83 in that
13 order is at least some version of the letter that
14 you sent to the Department of Justice; is that
15 right?
16 A. Yes.
17 Q. Okay. And at this point we are just
18 kind of going to ignore 77, 78, 79, and 80. You
19 believe that is something different, right?
20 A. I know it's something different.
21 Q. Okay. So those four pages that were
22 just 77, 78, 79, and 80, that was not sent to the
23 Department of Justice?
24 A. No. No.

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1 Q. All right. Let me ask this, do you have
2 in your possession a final version of the letter
3 that you sent to the Department of Justice?
4 A. Yes.
5 Q. And does the first page here, the date
6 says, May 14, 2014. Does that sound like the right
7 date that you sent it to them?
8 A. Yes.
9 Q. Did you have any assistance in drafting
10 this letter?
11 A. Yes.
12 Q. Who helped you with that?
13 A. Just the union. Just people from the
14 union.
15 Q. Do you have any specific names?
16 A. Let's see. There's so many. There was
17 many people that was involved. I believe I talked
18 to Mike Willis about it.
19 Q. Any of the plaintiffs, to make it easier
20 to help you with this?
21 A. No.
22 Q. Okay. And going back to the complaint,
23 paragraph 40, the last sentence says, A copy of the
24 letter was sent to defendant chief judge. So you

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1 sent the chief judge a copy of this letter?
2 A. I did.
3 Q. How did you send it to him?
4 A. Certified mail.
5 Q. Okay. Let's focus on the DOJ. Did you
6 ever receive a response from the Department of
7 Justice to your letter?
8 A. No.
9 Q. Did you ever receive a response from the
10 Office of the Chief Judge to your letter?
11 A. No.
12 Q. Did anyone from the Office of the Chief
13 Judge ever talk to you about your letter --
14 A. No.
15 Q. -- to the Department of Justice,
16 Exhibit 4?
17 A. Not that I can recall.
18 Q. Did anyone --
19 A. But I did have a phone conversation with
20 someone from the Department of Justice.
21 Q. Okay. Did I not ask that? So tell me
22 about your phone call. Was it after you sent the
23 letter?
24 A. I believe so.

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1 Q. And someone from the Department of
2 Justice called you, or did you call them?
3 A. I called them.
4 Q. Okay. And you think it was after you
5 sent the letter?
6 A. I'm sure it was because I was doing
7 follow-up.
8 Q. Do you know approximately how long after
9 it was that you sent the letter?
10 A. Maybe -- maybe about a month.
11 Q. Okay.
12 A. A month or so.
13 Q. Do you recall who you spoke to at the
14 Department of Justice?
15 A. I don't. I don't have my notes with me.
16 Q. That's all right. Just sitting here, do
17 you know what that person said to you?
18 A. I can recall them telling me that we did
19 not have to go through the EEOC, that we can submit
20 information to the Department of Justice and civil
21 rights, that is what they told me, and then I asked
22 them about if they had an idea of when they would
23 respond back to the letter, and the gentleman told
24 me that he did not, that he had no information if

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1 they even received the letter.
2 Q. Okay. Did you then send any more
3 information to the Department of Justice?
4 A. Not that I can recall, but I do remember
5 sending certified letters out.
6 Q. You mean your original letter was
7 certified, is that what you are referring to or
8 extra letters?
9 A. No, not my original letter. No,
10 priority mail.
11 Q. You said that you -- sorry. I'm trying
12 to clear this up. You said that you sent certified
13 letters, right?
14 A. Yeah, to make sure that they got to
15 their destination.
16 Q. Right. Are you referring to this
17 original letter that you sent?
18 A. Yeah.
19 Q. So you didn't send another letter, that
20 is what I'm trying to get at?
21 A. I think I did try to -- I don't know if
22 I did not follow up. I made a phone call, and then
23 I -- some investigator from the EEOC was talking to
24 me. She was conducting an investigation. So I

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1 think once the EEOC got involved, I'm not sure if I
2 followed up with another letter or not. I would
3 have to look at my records.
4 Q. Okay. Now we are going to go down
5 another path. The EEOC investigator -- well, let's
6 tie this one off first. Outside the phone call
7 that you made to the Department of Justice, was
8 there any other more contact with the Department of
9 Justice regarding your May 2014 letter?
10 A. No.
11 Q. Now let's go to the EEOC investigator
12 that you just mentioned. Was that in relation to a
13 charge of discrimination that you personally filed
14 or a different charge?
15 A. The local filed.
16 Q. So when did the local file a charge of
17 discrimination?
18 A. I believe it was maybe 2014.
19 Q. And what happened with that charge?
20 A. Certain people in the union became
21 upset. I believe that the EEOC did not come to a
22 conclusion, so I guess we kind of let it kind of
23 fall to the wayside.
24 Q. And do you recall what that charge

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1 alleged?
2 A. The same thing that is in this report.
3 Q. Sorry. In the letter that you sent to
4 the DOJ?
5 A. Uh-huh, regarding fair discipline when
6 it comes to African-Americans, different working
7 conditions, things like that.
8 Q. To your knowledge, did the EEOC conduct
9 an investigation based on that charge the local
10 filed?
11 A. Yes.
12 Q. Okay.
13 A. As far as I know.
14 Q. What is your basis of that knowledge?
15 You just said as far as you know, so I'm trying to
16 figure it out?
17 A. I was directed by the president of the
18 local at that time, Mike Willis, to file a
19 complaint for racial discrimination.
20 Q. Right. So what I'm talking about, did
21 the EEOC then investigate that complaint? Well,
22 let's -- I can ask it better.
23 So the EEOC investigator called you
24 regarding this charge; is that right?

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1 A. Yes.
2 Q. Outside of that call, did you
3 participate in anything else with the EEOC
4 investigation -- sorry -- just with the EEOC
5 regarding this charge?
6 A. No.
7 Q. Okay.
8 A. I'm sorry. Let me make sure that I'm
9 answering correctly. Are you asking me if I was
10 involved in other complaints of discrimination? Is
11 that your question?
12 Q. No, that was not my question. I just
13 wanted to know outside of that call by the
14 investigator, if you were involved personally in
15 anything else that the EEOC did regarding your
16 charge filed by the local?
17 A. She asked for information.
18 Q. Did you provide that information?
19 A. I believe I did.
20 Q. Are you personally aware of the outcome
21 of that charge of discrimination filed by the
22 local?
23 A. No. I'm not sure.
24 Q. Okay. The complaint, back to Exhibit 3

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1 there, back where we were, page 11, paragraph 41.
2 The union has also directly notified defendant
3 chief judge of several examples of the disparate
4 treatment of African-American juvenile probation
5 officers by subordinates in the Cook County
6 juvenile probation department. Do you see that?
7 A. Uh-huh.
8 Q. And I believe we have already talked
9 about that today, but I just want to know, were
10 there any other instances where you notified the
11 defendant about disparate treatment of
12 African-American probation officers that we have
13 not talked about previously?
14 A. I think I began to cc the chief judge on
15 grievances because his human resource director,
16 Laura Kelly, sent me an e-mail asking me why I was
17 involving the chief judge or cc'ing the chief
18 judge.
19 Q. You mean cc'ing the chief judge on
20 e-mails?
21 A. Yes.
22 Q. Okay. Do you have any of these e-mails
23 where you cc'ed him?
24 A. Yes.

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1 Q. Okay. If you would turn to page 12.
2 Paragraph 46 says, These acts have resulted in
3 disparate treatment of juvenile probation officers
4 on the basis of their race, including, and then
5 over the next few pages it lists several
6 individuals.
7 So I want to go through these,
8 Mr. Smith, as fast as we can and just find out what
9 your personal knowledge is of each of these
10 individuals. We already talked about Emily Pierce,
11 right?
12 A. Yes.
13 Q. Christen Loeb, we already talked about
14 her, right, didn't we?
15 A. A little bit. We did not talk about the
16 e-mail that Alicia Ortiz sent me regarding her
17 conversation that she had with Virginia Caulfield
18 that actually states that Christen --
19 Q. Go ahead.
20 A. -- that Christen Loeb would never be
21 disciplined.
22 Q. You mentioned several people in there.
23 Alicia Ortiz?
24 A. Yes.

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1 Q. Who is she?
2 A. She's a supervisor and probation
3 officer.
4 Q. Race?
5 A. She's Latina.
6 Q. I believe you mentioned Virginia
7 Caulfield.
8 A. She's white. She's the deputy chief
9 probation officer.
10 Q. Okay. So my question here on this one,
11 which is B, on page 12 and 13, did you hear
12 Ms. Caulfield say that?
13 A. No.
14 Q. But Ms. Ortiz told you that she said
15 that?
16 A. She sent it to me in an e-mail.
17 Q. And do you still have that e-mail?
18 A. Yes, and she cc'ed Mike Rohan, Rose
19 Golden, Charles -- I think it was Charles Young as
20 well, but I do have that e-mail.
21 Q. Did you ever ask Ms. Caulfield why she
22 said she would never discipline Ms. Loeb?
23 A. No.
24 Q. Okay. C on page 13 is Lauren Brown.

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1 I'm going to paraphrase these and always feel free
2 to correct me. It says that she got a three-month
3 suspension for not placing notes into a computer
4 system; is that right?
5 A. Yes.
6 Q. Were you personally involved in that
7 one?
8 A. Yes.
9 Q. So was that grieved?
10 A. Yes. And she received -- she did not
11 just get a three-month suspension, she got multiple
12 suspensions. She first got a 20-day and then she
13 got, I believe it was -- I think it was 20 days and
14 then it was three months.
15 Q. Does she still work there?
16 A. Yes.
17 Q. Okay. A sentence here in this Lauren
18 Brown says, A white probation officer would not
19 have received the same discipline. Do you see
20 that?
21 A. Yes.
22 Q. Do you have any specific examples of a
23 white probation officer not receiving the same
24 discipline for the same infraction?

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1 A. Yes.

2 Q. Okay. Give me that.

3 A. Sharon Throwkoc.

4 Q. Could you spell that?

5 A. S-h-a-r-o-n, T-h-r-o-w-k-o-c.

6 Q. Okay. She's white?

7 A. Yes.

8 Q. What happened with her?

9 A. She did not assign Howard Brown the case

10 that was supposed to be monitored by Howard Brown,

11 who is African-American, that they initiated an

12 investigation or investigatory hearing on Mr. Brown

13 but did not initiate an investigatory hearing on

14 Sharon Throwkoc.

15 Q. What was Sharon's position?

16 A. She was a supervisor at that time.

17 Q. Okay. What was Lauren Brown's position?

18 A. She was an adjudicator/screener.

19 Q. What does that mean?

20 A. Our department is unique. The screener

21 usually deals with informal station adjustments,

22 kids who are not directly involved in the juvenile

23 justice system, so the police send them over for

24 certain services. Out in Markham you only

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1 adjudicate maybe us once or twice out of the week,

2 meaning that you sit in the courtroom, you could

3 plead certain court orders for the judges, you

4 input certain information into the system for the

5 judges, so in essence Lauren Brown was doing two

6 jobs and only getting paid for one.

7 Q. Okay. And to be clear, did Sharon

8 commit the same infraction as Lauren Brown?

9 A. I believe that Lauren Brown did not

10 commit any infraction, to be quite honest. After

11 we went through the entire grievance process, it

12 showed that Lauren Brown actually did input the

13 information into the system, which led to the

14 department rescinding once it got to arbitration

15 and using the data that I compiled, they actually

16 reversed the decision and awarded Lauren Brown with

17 all of her days back.

18 Q. Okay. So she was suspended but then she

19 got her pay for that day eventually back, for those

20 days?

21 A. For those months.

22 Q. Those months?

23 A. Yeah, after Mike Rohan was gone and

24 after the compiling of this data that they used at

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1 arbitration, the chief judge counsel at that time

2 decided to make a settlement offer to Lauren Brown.

3 Q. Let's go to the next one, D, Kevin

4 Gavin, who again I believe you already talked

5 about. Are you personally involved in Mr. Gavin's

6 case?

7 A. No.

8 Q. Did you learn about Mr. Gavin through a

9 review of the documents?

10 A. Yes.

11 Q. The next one, E, is Kaletha Seay?

12 A. Kaletha. It's not spelled correct, but

13 it's okay.

14 Q. Again, we have already talked about her.

15 Let me just see if there's anything. Is Ms. Patla,

16 P-a-t-l-a, still with the department?

17 A. Yes.

18 Q. And how do you know that she tested

19 positive for marijuana?

20 A. I have the document, and I was present.

21 Q. For her -- present for what?

22 A. For the investigatory hearing.

23 Initially, it was an informal conversation because

24 the CBA does not require a probation officer to

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1 take drug tests, so against our advice, Ms. Patla

2 voluntarily took a drug test and I was present.

3 Q. Okay.

4 A. The department did not initially place

5 her on temporary suspension. They allowed her just

6 to go home.

7 Q. It says she was disciplined. Was she

8 disciplined in any way? What was her discipline?

9 A. Well, in my opinion, she was not really

10 disciplined because they only imposed a temporary

11 suspension, which is not discipline, but because

12 she was suspended for 14 days, they allowed that to

13 stand. So the first 14 days are without pay, and

14 after the -- after the first 14 days, you are

15 allowed to use your vacation time, compensatory

16 time, or any leave to make up for any lost pay.

17 Q. Is that for regular suspension or

18 temporary suspension you are talking about?

19 A. The first 14 days are without pay.

20 Q. For what kind -- for both suspensions?

21 A. No, just for a temporary suspension.

22 Q. For temporary.

23 A. Because temporary suspension is not

24 discipline according to the department.

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1 Q. Right.

2 A. But rather than filing the grievance

3 over the temporary suspension, she allowed it just

4 to stand and asked the union not to file a

5 grievance.

6 Q. Okay.

7 A. So they would have brought her back

8 within three days. That would probably have been

9 her discipline, but, again, the department allowed

10 her initially to go home without the temporary

11 suspension. Whereas, other officers, they would

12 have imposed it at the initial stage of the

13 process.

14 Q. Okay.

15 A. I know, it's a lot.

16 Q. That's fine. When Ms. Seay was not put

17 into that position that she wanted to transfer to,

18 was it at the same time that Ms. Patla then went

19 right into it, or is there some time discrepancy

20 here?

21 A. Probably maybe six months, eight months

22 after. Hence, the reason why Ms. Seay filed a

23 complaint of discrimination against the department.

24 Q. Oh, Ms. Seay. Sorry.

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1 A. Yeah, Kaletha Seay.

2 Q. Okay. Let's go to the next one,

3 page 14. F, which is Julie Montgomery. I can't

4 remember, have we talked about her yet today?

5 A. No.

6 Q. No. Okay. So she received a last

7 chance agreement; is that right?

8 A. Yes.

9 Q. Were you involved in her case?

10 A. Yes.

11 Q. Were you involved in her getting the

12 last chance agreement?

13 A. Yes.

14 Q. And you advised her not to sign it?

15 A. I did. But under duress she asked me to

16 sign the agreement for her because the department

17 or the chief judge's office was directly involved

18 in this discipline. If you look at the last chance

19 agreement for Julie Montgomery, Bruce Wisniewski

20 actually participated in this decision, and

21 apparently it came from the chief judge.

22 Q. Okay. What was the -- what was the

23 first allegation of misconduct that led to the last

24 chance agreement, if you know?

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1 A. Falsification.

2 Q. Okay. Is that the official label that

3 they put on it?

4 A. That was the official label, and she

5 probably did falsify.

6 Q. Is this, again, the green/white sheet

7 thing, or is it something different?

8 A. Any time there's falsification, it can

9 be a variety of things, not seeing clients, making

10 up that you sent -- you made referrals, things like

11 that. It can be a plethora of things that actually

12 took place, but, yeah, it was -- it was not just

13 the whole green/white sheet thing. She did put

14 certain things on her white sheet that she probably

15 did not do.

16 Q. So being involved in the case, do you

17 think that she did falsify some records?

18 A. Uh-huh.

19 Q. Sorry. Is that a yes?

20 A. Being involved in the case that I

21 personally think that she falsified?

22 Q. Yeah.

23 A. I did not formulate an opinion regarding

24 Julie Montgomery. What I do know is that a lot of

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1 probation officers -- I'll say this. For a

2 probation officer, we have tons and tons of

3 paperwork, and sometimes things don't get done. If

4 you go through my files today, you'll probably find

5 a mistake. You'll probably find something in my

6 file that I probably did not do, that I probably

7 should have done. There's a possibility that I may

8 have forgotten to do certain things for a kid.

9 That does not mean that I maliciously

10 did something wrong, that this is just the nature

11 of the job. So being involved in Julie

12 Montgomery's case, all I can do is just take in the

13 information that management gives me and try to

14 make an informed decision about how do I represent

15 this probation officer and what standards are we

16 using to impose discipline, when compared to other

17 probation officers who did similar things.

18 So I did not -- I did not make a

19 decision that she was guilty or innocent. I just

20 used the information that management gave me and

21 tried to use whatever mitigating factors that was

22 taking place during that time.

23 Q. Okay. I was just trying to get a verbal

24 yes or no. That is fine. That is just a reminder

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1 to try your best to say yes or no, if you can.
2 A. Okay.
3 Q. Or at least a verbal answer. Still with
4 Julie here, it says, after her disciplinary
5 sentence, the Cook County Juvenile Probation
6 Department attempted to construct another reason to
7 create a disciplinary investigation, but it was not
8 sustained.
9 Again, just hopefully briefly, my
10 question will be, was Ms. Montgomery accused of
11 misconduct after she signed the last chance
12 agreement?
13 A. Yes.
14 Q. And what was that misconduct?
15 A. Falsification.
16 Q. Okay. Was it for basically the same
17 type of falsification, or was it different?
18 A. According to the department, it was the
19 same type of falsification.
20 Q. Okay.
21 A. What I don't understand is that, I don't
22 know how the chief judge does not see a pattern,
23 that any time that a person signs a last chance
24 agreement and just happens to be African-American,

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1 they actually say that they committed the offense
2 again. You would think that these are professional
3 probation officers, that they would not commit the
4 same offense again. I mean, similar to people who
5 get convicted of a crime, I guess because they have
6 been convicted once, that means they are guilty all
7 of the time because they did it the first time. I
8 know, you want me to keep it to a yes or no.
9 Q. Ideally, but you are allowed to say what
10 you want to say. I think that Tom would disagree
11 with that.
12 So I just want to be clear in reading
13 this. So we had the last chance agreement, another
14 allegation of misconduct, and then a third
15 allegation of misconduct; is that right?
16 A. Yes.
17 Q. And was the third one sustained or not
18 sustained like the second one?
19 A. Well, the second allegation of
20 misconduct, they tried to create a scenario that
21 she did something wrong, and I think I have an
22 e-mail regarding that. It was something -- it was
23 something very minor, but I assume that the
24 supervisor or maybe even the deputy chief kind of

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1 intervened during that time.
2 But then somehow Mike Rohan got ahold of
3 this third allegation of falsification, and she
4 under pressure decided just to resign her position.
5 During the course of having a conversation even
6 with Congressman Danny Davis regarding what was
7 taking place in juvenile probation, he said he was
8 close to the chief judge and that he would actually
9 have a conversation with the chief judge about that
10 regarding Julie Montgomery.
11 Q. Were these -- I'm calling them 1, 2, and
12 3, these allegations. We have 1, but 2 and 3, were
13 those taken all of the way through the grievance
14 process?
15 A. The second one never manufactured. The
16 first one did.
17 Q. And that is the one that resulted in the
18 last chance agreement, right?
19 A. Yes.
20 Q. And the second and third, did those ever
21 get formal grievances or no?
22 A. No, she did not -- despite my plea for
23 her not to resign, she decided to resign her
24 position.

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1 Q. Did she get any discipline for what I'm
2 calling Allegations of Misconduct 2 and 3?
3 A. No. They told her that the chief judge
4 was going to terminate her position or that she
5 could resign.
6 Q. Who told her that?
7 A. People in the union, people who --
8 Q. Did you tell her that?
9 A. No.
10 Q. You said people in the union. I just
11 want to be --
12 A. No. Again, like I said, there was
13 certain things that was taking place as far as
14 certain stewards going rogue, certain members in
15 the union who was going rogue, but they was going
16 through the process of the investigatory hearing of
17 imposing discipline. Typically, Mike Rohan would
18 say that he has to wait for a decision from
19 downtown to terminate your employment.
20 Q. Did anyone from management ever tell you
21 that they were going to fire Ms. Montgomery?
22 A. Yes.
23 Q. Who told you that?
24 A. Mike Rohan. He did not believe that

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1 probation officers had the right to go through the
2 steps in the collective bargaining agreement
3 because of the last chance agreements. He believed
4 that, It's the last chance agreement, I could just
5 terminate your employment.
6 Q. But did he tell you directly that he was
7 going to fire Julie Montgomery?
8 A. Yes.
9 Q. Did anyone else hear -- do you know if
10 anyone else was there when he told you that?
11 A. I don't recall the steward, if there was
12 another steward. I usually take a second person in
13 the room with me all of the time, just to have a
14 witness, but I'm sure there was a second steward
15 that was present. It might have been Mike Willis
16 because Mike Willis was at the Step 4 -- Step 4
17 with the chief judge's office when Julie signed
18 that last chance agreement.
19 Q. Were you present when anyone from
20 management presented Ms. Montgomery with an option
21 of resigning or being discharged?
22 A. Not the last time, but I do have e-mails
23 saying that this was her options.
24 Q. Who were these e-mails from?

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1 A. From people within the union.
2 Q. Can you be any more specific other than
3 people from the union, if you remember?
4 A. Lloyd Marshall, Marshon Stutley.
5 Q. Do you still have these e-mails?
6 A. Yes.
7 Q. I have asked you about a lot of e-mails,
8 I think, that you still have. Are these on your
9 work account or are they in a personal account or
10 are they printed out at home? Where are they?
11 A. They are on my work account. The
12 department is going through the process of purging
13 our e-mail right now.
14 Q. As in right this second?
15 A. Under orders that we received, yes.
16 Q. Thanks for letting me know that.
17 A. So I notified Tom.
18 Q. That is good to know. Let's move on
19 from Ms. Montgomery. Let's go to G, which is Joi
20 Basley?
21 A. Yes.
22 Q. Again, I think you already talked about
23 her?
24 A. Yes.

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1 Q. She received a last chance agreement,
2 right?
3 A. Yes.
4 Q. Were you personally involved in that
5 one?
6 A. Yes.
7 Q. This is the green and white time sheet,
8 right?
9 A. So the last chance agreement, when you
10 say I'm personally involved, meaning that I knew
11 about the last chance agreement. I was not there
12 per se when she signed the last chance agreement.
13 It was done while I was on vacation.
14 Q. Okay. But it was during your tenure?
15 A. My tenure, yes.
16 Q. In the union?
17 A. Yes, and I talked to Joi Basley about
18 the last chance agreement.
19 Q. So do you know if someone else from the
20 union then told her to sign the last chance
21 agreement?
22 A. Yes.
23 Q. Who told her to do that?
24 A. Shawna Varnado and Jeffrey Hayes or

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1 Haynes.
2 Q. I was going to say no relation, but go
3 ahead. And she was fired, right?
4 A. Yes, and we grieved her termination.
5 Q. Did she come back?
6 A. No.
7 Q. So I take it you lost the grievance,
8 right?
9 A. I lost all of the grievances throughout
10 the step process because there's no neutral party
11 involved. All parties from Step 1 through 3 and 4
12 are all management, so of course that goes the
13 same, each one.
14 If we get to arbitration, I have won
15 arbitration decisions. So once we get a neutral
16 party involved, that is where our victories come in
17 at. We just recently won performance evaluations
18 for Theo Chapman and Patrick Nelson.
19 Q. Yeah, they talked about that. Did you
20 arbitrate any of the ones that we have talked about
21 today?
22 A. Again, once you get to arbitration, it
23 goes to Council 31, their legal rep, and they are
24 supposed to arbitrate. And they have not provided

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<p style="text-align: right;">Page 173</p> <p>1 Joi Basley a date for arbitration.</p> <p>2 Q. The decision to take it to arbitration</p> <p>3 is on?</p> <p>4 A. Council 31.</p> <p>5 Q. Okay. Thanks. Last individual here,</p> <p>6 page 15, H, Angela Sneed. I don't think that we</p> <p>7 have talked about her yet?</p> <p>8 A. No.</p> <p>9 Q. Again, she got a last chance agreement.</p> <p>10 Were you involved in that one?</p> <p>11 A. No.</p> <p>12 Q. Was that before or after your union</p> <p>13 involvement?</p> <p>14 A. Before. But, again, Mike Willis</p> <p>15 provided the paperwork for Ms. Sneed.</p> <p>16 Q. Do you know when -- when the allegations</p> <p>17 here in H regarding Ms. Sneed would have occurred?</p> <p>18 A. For Ms. Sneed?</p> <p>19 Q. Ms. Sneed, yeah?</p> <p>20 A. You said for letter A?</p> <p>21 Q. H.</p> <p>22 A. H?</p> <p>23 Q. Right here. Yeah, Ms. Sneed, Angela,</p> <p>24 right?</p>	<p style="text-align: right;">Page 175</p> <p>1 through 57, refer to Anthony Jordan?</p> <p>2 A. Okay.</p> <p>3 Q. Now, I believe we have already talked</p> <p>4 about that you were -- in your union roll, you were</p> <p>5 directly handling his termination grievance; is</p> <p>6 that right?</p> <p>7 A. I was handling 90 percent of the</p> <p>8 grievances that was filed on my team, yes. So yes.</p> <p>9 Q. So you were handling his?</p> <p>10 A. Yes.</p> <p>11 Q. And in here, I don't know what</p> <p>12 paragraph, but it says that he received a last</p> <p>13 chance agreement at some point. And that would be</p> <p>14 paragraph 54, which starts on 15 and goes to 17.</p> <p>15 It says, paragraph 54, Although Anthony</p> <p>16 Jordan had no history of discipline for failing to</p> <p>17 properly monitor and respond to any alerts, Cook</p> <p>18 County Juvenile Probation Department had previously</p> <p>19 forced Jordan in 2011 into an unfair last chance</p> <p>20 agreement based upon a prior claim of poor work</p> <p>21 performance. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Were you involved in Mr. Jordan's 2011</p> <p>24 last chance agreement?</p>
<p style="text-align: right;">Page 174</p> <p>1 A. Yeah.</p> <p>2 Q. There's no time in there. I just want</p> <p>3 to know, you said it was before your union</p> <p>4 involvement. I just want to know if you know the</p> <p>5 date on that at all?</p> <p>6 A. It had to be anywhere between 2008</p> <p>7 because, again, her name appears on the list that</p> <p>8 management provided to me, so any time between 2008</p> <p>9 or during that time period, 2008 to 2013, that is</p> <p>10 when her name appears.</p> <p>11 Q. Okay. Turn to page 16.</p> <p>12 MR. GEOGHEGAN: Off the record for a second.</p> <p>13 (WHEREUPON, a recess was had.)</p> <p>14 BY MR. HAYES:</p> <p>15 Q. Okay. Mr. Smith, let's continue plowing</p> <p>16 through this complaint here. Page 16. Now what we</p> <p>17 are going to do is go through the individual</p> <p>18 plaintiffs here. They have their own set of</p> <p>19 allegations in the complaint. I am just going to</p> <p>20 ask you a few questions on what your knowledge is.</p> <p>21 I know we have gone over probably a lot of this</p> <p>22 already, but let's see if there's anything that we</p> <p>23 missed.</p> <p>24 Starting here on page 16, paragraphs 48</p>	<p style="text-align: right;">Page 176</p> <p>1 A. No.</p> <p>2 Q. And did you take Mr. Jordan's grievance</p> <p>3 about his termination through Step 4?</p> <p>4 A. Yes.</p> <p>5 Q. And it was denied every step?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that was arbitrated?</p> <p>8 A. The chief judge had refused to arbitrate</p> <p>9 his last chance agreement. The counsel sued the</p> <p>10 chief judge somewhere in court, and a court</p> <p>11 decision just came down saying that the chief judge</p> <p>12 does have to arbitrate. I guess he has an</p> <p>13 arbitration date set for some time this year.</p> <p>14 Q. Were you involved in any of that, that</p> <p>15 you just talked about, the lawsuit or the</p> <p>16 arbitration or anything like that?</p> <p>17 A. I'm assuming that they probably used</p> <p>18 whatever documents that I forwarded to you.</p> <p>19 Q. Did anyone talk to you about it or</p> <p>20 anything?</p> <p>21 A. No. No.</p> <p>22 Q. Just to make sure that we are on the</p> <p>23 same page here and we are talking about the same</p> <p>24 thing, Mr. Jordan was working in the electronic</p>

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1 monitoring unit, right?

2 A. Yes.

3 Q. Okay. And the allegations -- you can

4 disagree, but the allegations were that he failed

5 to report a juvenile that was leaving his house; is

6 that right?

7 A. I don't necessarily think that he failed

8 to report. I think the department tried to cite

9 that he failed to file an EM violation.

10 Q. Okay. And, again, correct me because

11 I'm just kind of paraphrasing here. So he failed

12 to -- the allegation is that he failed to file the

13 violation report, right?

14 A. Yes.

15 Q. Okay. And then this individual that he

16 failed to file a report on then raped someone; is

17 that right?

18 A. Yes.

19 Q. And then ultimately Mr. Jordan was

20 terminated for this, right?

21 A. Yes, because of the last chance

22 agreement.

23 Q. Okay.

24 A. If it was not for the last chance

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1 agreement, there's a possibility that Mr. Jordan

2 probably would not have been terminated, but,

3 again, the practice of giving African-Americans

4 last chance agreements gives the department, I

5 guess, the authority to justify the decision by

6 terminating their employment.

7 Q. Okay. What is the basis for you just

8 saying that without the last chance agreement, he

9 probably would not have been terminated?

10 A. Because I'm saying that the last chance

11 agreement disproportionately impacts

12 African-Americans and minorities who are in the

13 department and that only African-Americans are

14 given these last chance agreements.

15 Q. Go ahead, if there's something else.

16 A. No.

17 Q. Then in Mr. Jordan's specific instance,

18 did management say, Because of the last chance

19 agreement, we are going to terminate you?

20 A. No.

21 Q. Are you aware of any other -- sorry,

22 strike that.

23 Are you aware of any

24 non-African-American juvenile probation officers

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1 who failed to file a violation report and then that

2 individual then went out and raped someone who were

3 not fired? It's a clunky question but --

4 MR. GEOGHEGAN: Just for clarification, does

5 it have to be rape?

6 MR. HAYES: That is my first part. I might

7 back off of that.

8 MR. GEOGHEGAN: Answer the best you can.

9 BY MR. HAYES:

10 Q. Yeah.

11 A. So the problem is that certain things

12 are not investigated. So, therefore, the union

13 would never become aware of certain things that

14 have actually taken place, but we have seen reports

15 from the media about other juveniles who have

16 actually gone out and raped other individuals or

17 robbed other individuals while they was on

18 electronic monitoring.

19 Q. Okay. And do you know if those

20 individuals were being monitored by white

21 employees?

22 A. Again --

23 Q. That's fine.

24 A. -- the report from the media says that

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1 this juvenile was on electronic monitoring. The

2 investigation never came across my desk. I

3 requested information regarding discipline, so,

4 therefore, I can only assume that an investigation

5 never took place.

6 But there has been other instances

7 before my time where the juveniles have gone out

8 and committed more heinous crimes than just kidnap

9 and rape. They have actually shot individuals

10 while on electronic monitoring. They have actually

11 did home invasions, burglaries.

12 Even myself being down in house arrest,

13 I have known that there was particular officers who

14 was monitoring certain juveniles that they actually

15 did go out and commit an offense, and those

16 officers was white and they was not disciplined.

17 Q. Do you know the names of those officers?

18 A. It's been almost 13 years.

19 Q. I know. I know.

20 A. And those officers -- when I initially

21 came in as a trainee, those officers was veterans,

22 and a lot of those officers that was down in

23 electronic morning or home confinement at the time,

24 pretty much had 20 years of experience, even some

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1 had 30 years of experience within the department.
2 So they possibly could retire.
3 Q. Let's flip the question and say, are you
4 aware of any other African-American officers that
5 failed to file a violation report and then the
6 juvenile then went out and committed -- and I'll
7 just say, any serious offense?
8 A. For electronic monitoring?
9 Q. For electronic monitoring.
10 A. Not that I'm aware of.
11 Q. If you can for Mr. Jordan -- I'm sorry,
12 if you are still --
13 A. No, I'm thinking. I'm trying to think
14 about the question that you just asked me. I'm
15 trying to go through my head about the discipline
16 list, if there was other officers within electronic
17 monitoring that just happened to be
18 African-American. I know Gus Sanford, he was
19 terminated, and he was African-American. I can't
20 recall his case, but I know that he was terminated
21 as well.
22 Q. You believe -- setting aside the last
23 chance agreement for Mr. Jordan as best you can,
24 pretend that is not out there?

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1 A. Okay.
2 Q. I'm going to ask him to speculate. Do
3 you believe Mr. Jordan was terminated because of
4 his race?
5 A. Yes.
6 Q. Okay. Why do you believe that?
7 A. The data, the facts, the information
8 that the department has, that they compiled that
9 they have a propensity of giving out harsher
10 discipline to African-American probation officers.
11 This is not something that I made up. This is
12 actually, if you look at the data itself and the
13 department records, when you give a probation
14 officer three-month suspensions, six-month
15 suspensions, and the whites are only given a max of
16 maybe ten-day of suspension, there's a disparity.
17 It's just like the sentencing laws that
18 was imposed on African-Americans compared to crack
19 cocaine and powder cocaine. You had
20 African-Americans who were receiving harsher
21 sentences despite the fact that it was similar
22 offenses that was taking place.
23 So, again, either the department knew
24 directly what they was doing or indirectly. Their

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1 policies, the last chance agreement, the supervisor
2 exam, even the flex schedule, if you look at the
3 flex schedule going back -- and I have the
4 e-mail -- only white female probation officers were
5 allowed to have flex time schedules. The
6 department cannot tell me that African-American
7 women who was pregnant -- and I have spoken to some
8 of them -- actually asked for a flex time schedule
9 or a part-time schedule and they was denied. So
10 this is a systemic issue. This is not a one-time
11 issue. This has been going on in the department
12 for years and has been covered.
13 If you look at the history, a lot of the
14 people in the union was not putting in requests for
15 information. They just was not doing it.
16 So even when Mike Willis saw the record
17 himself, he was shocked that only African-Americans
18 was getting last chance agreements and was
19 receiving harsher discipline. But I don't want you
20 to think that I was the first one to start the
21 complaining. Jenny Wells has sent complaints to
22 the chief judge's office. She actually sent a
23 complaint to the presiding judge. Buford Arrington
24 sent a complaint to the chief judge. Even some

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1 Latinos was sending complaints about unfair
2 treatment to the chief judge.
3 Q. Let's move on to Mr. Greenlaw. No, it's
4 fine. Which is on page 157 here. He has
5 paragraphs 58 through 63 of the complaint.
6 And, again, I believe we have already
7 talked about Mr. Greenlaw, but you were involved in
8 the grievance of his termination, right?
9 A. Yes.
10 Q. All of the way through Step 4?
11 A. Yes.
12 Q. Besides Mr. Greenlaw, was anyone else at
13 the JPD terminated for the same behavior?
14 A. Ernest Boyd. He's African-American.
15 Q. And was he Mr. Greenlaw's partner?
16 A. Yes.
17 Q. Okay. Besides those two, are you aware
18 of any other JPD employees that were terminated for
19 misuse of the gas card?
20 A. Alleged misuse.
21 Q. Alleged misuse of the gas card?
22 A. No.
23 Q. Okay. Are you aware of any
24 non-African-American employees that did the same

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1 type of alleged misconduct and were not fired? I
2 should say exact same type of alleged misconduct.
3 A. Fraud?
4 Q. The gas card issue.
5 A. Well, I mean, I think it would fall
6 under the same category of fraud that the
7 department has alleged. You have, Rosa Altamirano,
8 where there was allegations of her changing the
9 check, and the department said it was fraud and
10 they gave her a verbal reprimand.
11 Q. Okay. When did that happen?
12 A. I believe it was between 2008 and 2009,
13 if I'm not mistaken.
14 Q. Were you involved in that as a union
15 rep?
16 A. No.
17 Q. How did you hear about Rosa?
18 A. I have a copy of Mike Rohan's decision.
19 Q. Is that in the bundle of documents that
20 you have been talking about?
21 A. And is on the list that Rose Golden
22 provided to me, too, and I actually presented this
23 information in the Office of the Chief Judge.
24 Q. To who?

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1 A. Keith Sevcik.
2 Q. When?
3 A. 2014, when we was going through the
4 steps.
5 Q. Okay. Next, let's move on to
6 Mr. Chapman. It's on page 18 and 19, paragraph 64
7 through 67. Okay. Start on 65, which is on
8 page 19.
9 A. Okay.
10 Q. This is talking about the supervisory
11 exam, which I believe you referenced earlier.
12 A. Uh-huh.
13 Q. Have you ever taken the supervisory
14 exam?
15 A. No.
16 Q. Do you have any -- just looking on
17 paragraph 65 here, do you have any -- strike that.
18 Were you personally involved in
19 Mr. Chapman requesting copies of his test and
20 scoring method?
21 A. No.
22 Q. If you look at paragraph 66, on the -- I
23 think it's the second sentence. Chapman further
24 alleges that African-American probation officers

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1 are discriminated against in this manner by reason
2 of their race and that the design of the supervisor
3 examination is either intentionally or, in effect,
4 discriminatory in excluding African-Americans from
5 supervisory positions. Do you see that?
6 A. Yes.
7 Q. Okay. Do you have any personal
8 knowledge of the allegations that I just read?
9 A. Yes.
10 Q. Okay. What personal knowledge do you
11 have?
12 A. That the department provided me a list
13 of potential supervisors.
14 Q. Okay. And what did that tell you?
15 A. At first glance it did not tell you
16 much, until you start looking at the names and
17 where each probation officer was positioned. If
18 you look at the exam, and you can look at the
19 first -- the first initial exam and the second
20 initial exam, when probation officers retake the
21 exam, the first time the African-American was third
22 and then the second time he was first.
23 After that there's no African-American
24 within the top ten of becoming a supervisor. All

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1 African-Americans are either starting at No. 14 all
2 of the way to the back. In the past the supervisor
3 list would expire. Once you promote off that list
4 and you have no open positions, that supervisory
5 list normally goes away and the department would
6 have to institute or introduce a new supervisory
7 exam, and people would have to retest and retake
8 the test again.
9 Q. Have you seen the test?
10 A. Yes.
11 Q. How did you see it? Sorry. How did you
12 see it?
13 A. Well, I'm sorry. I never saw the
14 supervisory test. I did see a test as a probation
15 officer trainee.
16 Q. And how did you get to see that?
17 A. Every probation officer who wants to
18 become a probation officer has to pass a final
19 exam.
20 Q. That is different from the supervisory
21 test, right?
22 A. Yes.
23 Q. So you have never seen the supervisory
24 test?

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<p style="text-align: right;">Page 189</p> <p>1 A. No.</p> <p>2 Q. That is all I want to focus on here.</p> <p>3 A. Okay.</p> <p>4 Q. Sorry. Are there currently</p> <p>5 African-Americans in supervisory positions at the</p> <p>6 JPD?</p> <p>7 A. Yes. After I filed grievances saying</p> <p>8 that the department has an obligation to fill those</p> <p>9 open supervisory positions. It does not give</p> <p>10 management the leeway of not promoting. In the</p> <p>11 past they would always say that the chief judge did</p> <p>12 not give authorization. In the collective</p> <p>13 bargaining agreement, it says that if there's an</p> <p>14 open position, you must fill that open position. I</p> <p>15 did institute a grievance to have management fill</p> <p>16 those open positions.</p> <p>17 Q. Just off the supervisory list?</p> <p>18 A. Yes.</p> <p>19 Q. And did these African-Americans get on</p> <p>20 the supervisory list by passing the exam?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. But if a grievance was never initiated,</p> <p>24 they would have never been promoted.</p>	<p style="text-align: right;">Page 191</p> <p>1 involved in Mr. Chapman's grievances?</p> <p>2 A. Yes.</p> <p>3 Q. And in your union role, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I want to focus on the Jumpstart</p> <p>6 allegations. Do you know what Jumpstart is?</p> <p>7 A. Yes.</p> <p>8 Q. What is Jumpstart?</p> <p>9 A. It was an alternative school that</p> <p>10 probation officers utilized as an alternative to</p> <p>11 kids who wasn't in regular school, so we would make</p> <p>12 referrals to the jump start program. The kids</p> <p>13 would come to that program from 9:00 to 1:00.</p> <p>14 Q. And Mr. Chapman and Mr. Nelson worked in</p> <p>15 Jumpstart, right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what they did in the jump</p> <p>18 start unit?</p> <p>19 A. They did --</p> <p>20 Q. If you know.</p> <p>21 A. Yeah, many things. They were teachers,</p> <p>22 mentors, role models. Their primary responsibility</p> <p>23 was to teach classes. They did outreach work.</p> <p>24 They would go out into the field, visit clients,</p>
<p style="text-align: right;">Page 190</p> <p>1 Q. How do you know that?</p> <p>2 A. Because if the department wanted to</p> <p>3 promote, I would not have to initiate a grievance</p> <p>4 to force them to promote. We was talking about</p> <p>5 backpay and we negotiated -- I was trying to</p> <p>6 negotiate with the department to give these</p> <p>7 individuals backpay, but these individuals did not</p> <p>8 understand the law, did not understand the point of</p> <p>9 the collective bargaining agreement. Management</p> <p>10 somehow started trying to do direct dealings with</p> <p>11 these individuals, and they just wanted the</p> <p>12 positions and I have those e-mails.</p> <p>13 Q. In your work account e-mail?</p> <p>14 A. Yes.</p> <p>15 Q. That may currently be being purged?</p> <p>16 A. Well, they say that they are giving us a</p> <p>17 couple months.</p> <p>18 Q. Okay. Let's move on to Mr. Nelson.</p> <p>19 A. Uh-huh.</p> <p>20 Q. He's on page 19, paragraphs 68 through</p> <p>21 72 of the complaint.</p> <p>22 A. Okay.</p> <p>23 Q. I honestly can't remember what you</p> <p>24 testified earlier about Mr. Chapman, but were you</p>	<p style="text-align: right;">Page 192</p> <p>1 and do other responsibilities.</p> <p>2 Q. Okay. Paragraph 69 says, In 2015 the</p> <p>3 Cook County Juvenile Probation Department</p> <p>4 eliminated positions occupied by Nelson and Chapman</p> <p>5 in the jump start program under the guise of</p> <p>6 reorganization. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And do you recall grieving that issue?</p> <p>9 A. Yes.</p> <p>10 Q. In 2015 was the Jumpstart program shut</p> <p>11 down?</p> <p>12 A. No.</p> <p>13 Q. All right. What happened to the</p> <p>14 Jumpstart program in 2015?</p> <p>15 A. It was restructured to eliminate the</p> <p>16 teacher's position.</p> <p>17 Q. And who was in the teachers' positions</p> <p>18 in 2015, if you know?</p> <p>19 A. Officer Chapman, Officer Nelson, and</p> <p>20 Officer Tatanisha Jackson.</p> <p>21 Q. And what is her race?</p> <p>22 A. She's African-American.</p> <p>23 Q. Did Officer Jackson remain in the jump</p> <p>24 start program after 2015?</p>

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1 A. Yes.

2 Q. Okay. Prior to the teaching positions

3 being eliminated in 2015, were there any

4 discussions between the union and management about

5 restructuring of the Jumpstart program?

6 A. Yes.

7 Q. And were you involved in those

8 discussions?

9 A. Yes.

10 (WHEREUPON, a certain document was

-10:-22:-47 marked Smith Deposition Exhibit

-10:-22:-47 No. 5, for identification.)

-10:-22:-47 BY MR. HAYES:

14 Q. Okay. Mr. Smith, you have been handed

15 what has been marked as Exhibit 5. This is a group

16 exhibit. We won't spend too much time on it. This

17 is going to be referencing what we were talking

18 about, I hope. The first page is Bates Defendant

19 2976. Do you see that?

20 A. Uh-huh.

21 Q. Okay. Then I just want to focus on the

22 e-mail that is basically in the middle of the page

23 here, from Donna Neal to many individuals, but you

24 are one of the individuals on there, right?

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1 A. Uh-huh.

2 Q. Could you just say yes, please, just for

3 the record?

4 A. I'm sorry. Yes.

5 Q. And it is dated September 18, 2015?

6 A. Yes.

7 Q. Do you recall receiving this e-mail?

8 A. Probably so.

9 Q. And at this time, when the Jumpstart was

10 being restructured, what was your role, your exact

11 role in restructuring of the Jumpstart program?

12 A. My exact role as the president was to

13 meet with my team and come up with a

14 counterproposal and to bargain over the impact.

15 Q. And was there back and forth between the

16 union and management?

17 A. Yes.

18 Q. But, ultimately, if you look at the

19 e-mail here, No. 1 happened, right, Management will

20 eliminate Jumpstart classroom instructor positions?

21 A. Yes. That was after they moved

22 Tatanisha Jackson out of her teacher's position or

23 instructor position.

24 Q. Is there --

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1 A. Or before.

2 Q. Sorry. Wait a minute.

3 A. So during the -- what the e-mail and the

4 correspondence won't show is that the department

5 intentionally fills certain positions within the

6 jump start program, knowing that they were getting

7 ready to eliminate the instructor positions.

8 Thereby filling those outreach positions with less

9 senior officers, beginning with Tatanisha Jackson

10 and Dale Womack, but then giving Officer Chapman

11 the opportunity to fill those positions who

12 actually had more seniority than Tatanisha Jackson

13 and Dale Womack. Avik then in the bargaining

14 session said to me and my team that this is not in

15 retaliation to the lawsuit that was filed by

16 Officer Nelson and Officer Chapman.

17 Q. I have heard that he has made that

18 comment before. He made that directly to you?

19 A. Yes, he made that comment directly in

20 the meeting.

21 Q. When was that comment made?

22 A. I believe it was -- it had to be

23 sometime in maybe July, I believe.

24 Q. Okay.

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1 A. We also explained to Mr. Das that

2 Mr. Chapman and Mr. Nelson was already doing the

3 outreach officer's duties and that there was

4 nothing different than what they was doing being

5 instructors. If you look at the bid list, after

6 negotiation took place, the department then

7 designed a position on the bid list that included

8 separate positions within the Jumpstart program to

9 give the impression that these were different

10 positions within that unit. Jumpstart was a hold.

11 It was not instructive. It was not outreach. It

12 was not sanctioned. The Jumpstart bid list was

13 just Jumpstart. So any time you bid into a jump

14 start, it's just like my unit, I cannot bid on a

15 certain position. If there's six positions within

16 my unit, I can't bid on Position 1 or 2. I just

17 bid within that office, if there's an opening.

18 Q. When this restructuring happened for

19 Jumpstart in 2015, besides Ms. Jackson that we have

20 already talked about, were there any other

21 African-American officers that remained in jump

22 start?

23 A. Yes.

24 Q. Do you know who they are?

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197-200

<p style="text-align: right;">Page 197</p> <p>1 A. I can't think of his last name, but his 2 name is Vince and then Yusef Harris. 3 Q. And I believe you mentioned Dale Womack. 4 What is his race? 5 A. He's African-American. 6 Q. And he remained in Jumpstart, too? 7 A. Yes. 8 Q. Besides Mr. Chapman and Mr. Nelson, was 9 anyone else at this time in 2015, moved out of 10 Jumpstart? 11 A. No. They was targeting particularly 12 Mr. Nelson and Mr. Chapman, because even the 13 supervisor that came to me, who just happened to be 14 African-American and told me that Mr. Nelson 15 made -- wanted to look for a different position. 16 Q. If you know, do you know when the 17 discussions between management and the union about 18 the restructuring of jump start actually started -- 19 if they started in 2015 or earlier, when they 20 actually started? 21 A. I would like to say that maybe they did. 22 I can't recall without my documents, but I would 23 like to say that they probably started a little bit 24 in early 2015 because I remember Tatanisha</p>	<p style="text-align: right;">Page 199</p> <p>1 director at the time. 2 Q. And who was that? 3 A. Avik Das. 4 Q. If you know, is there anyone currently 5 in the Jumpstart program doing the exact same 6 teaching duties that Mr. Chapman and Mr. Nelson 7 were doing when they moved out in 2015? 8 A. I can only assume that the sanction 9 program is a replica of the Jumpstart program 10 because kids are coming to the program but, again, 11 the sanction and the instructional part of the 12 program is a little bit convoluted because the 13 sanction is something that the Illinois Supreme 14 Court said that the probation officers have to 15 offer a minor prior to starting the violation of 16 probation. So I'm not sure if they come there to 17 get instructions, but I do know that a lot of 18 probation officers utilize that program if a kid is 19 out of school, if he's like in violation of his 20 probation, but there are kids that come to the 21 sanction program. 22 Q. Do you utilize that program with your 23 kids? 24 A. Not necessarily. I actually utilize a</p>
<p style="text-align: right;">Page 198</p> <p>1 Jackson's name appearing on the bid list in March. 2 So someone gave her the heads up that you need to 3 put in the bid list -- I mean, a bid into this 4 position in order for us to move you so you won't 5 be impacted. 6 In addition to that, they told us that 7 they were not filling the other outreach officer 8 positions. They actually filled another position 9 with Dale O'Connell, who happens to be white, into 10 the Jumpstart program. 11 Q. So does Jumpstart still exist to your 12 knowledge? 13 A. It does. 14 Q. Is it called Jumpstart? 15 A. Yes. 16 Q. Does Jumpstart currently do classroom 17 instruction? 18 A. No. Well, in a sense, but, no, not 19 really. I mean, I guess under the guise of the 20 sanction program, they have kids that come under 21 this new program called sanctions. 22 Q. Who made -- if you know, who made the 23 decision to reorganize Jumpstart? 24 A. I'm assuming the director, the acting</p>	<p style="text-align: right;">Page 200</p> <p>1 program outside of the department. We have other 2 sanctioned programs, but they are not filled by 3 probation officers. 4 Q. Have you personally, Mr. Smith, outside 5 of -- well, besides the charge of discrimination 6 that you filed on behalf of the local, have you 7 filed any charges of discrimination with either the 8 EEOC or the Illinois Department of Human Rights 9 against your employer? 10 A. Yes. 11 Q. How many? 12 A. Maybe two. 13 Q. Do you know when these were? 14 A. I believe the first one was back in 2010 15 for, I think my temporary suspension, they refused 16 to -- 17 Q. We don't need you to guess. We can do 18 it this way. 19 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit -10:-22:-47 No. 6, for identification.) -10:-22:-47 BY MR. HAYES: 23 Q. Okay. Mr. Smith, you have been handed 24 what has been marked Exhibit 6.</p>

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201-204**

<p style="text-align: right;">Page 201</p> <p>1 A. Okay.</p> <p>2 Q. Is this the 2010 charge of</p> <p>3 discrimination that you were just talking about?</p> <p>4 A. Yes.</p> <p>5 Q. And it's alleging race discrimination,</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. Due to your temporary suspension in</p> <p>9 2010?</p> <p>10 A. Yes.</p> <p>11 Q. What was the outcome of this charge?</p> <p>12 A. I decided to withdraw it after the</p> <p>13 department agreed to give me \$22,000 back for</p> <p>14 backpay and to restore my time. Mike Rohan</p> <p>15 initially tried to convince me to waive my rights</p> <p>16 to the money, and I was told by other union reps</p> <p>17 before my involvement in the union that whites was</p> <p>18 restored and that the contract actually says that</p> <p>19 if you are not convicted, anything about the</p> <p>20 temporary suspension is not supposed to be in your</p> <p>21 personnel file and you'll be reinstated to your</p> <p>22 position with all backpay and benefit time.</p> <p>23 Q. And you weren't convicted, right?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. Okay. Any other charges of</p> <p>2 discrimination that you filed against your</p> <p>3 employer?</p> <p>4 A. I filed one for the flex time schedule</p> <p>5 recently.</p> <p>6 Q. 2016, does that sound right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 (WHEREUPON, a certain document was</p> <p>-10:-22:-47 marked Smith Deposition Exhibit</p> <p>11 No. 7, for identification.)</p> <p>12 BY MR. HAYES:</p> <p>13 Q. Okay. You have just been handed what</p> <p>14 has been marked as Exhibit 7, Mr. Smith. Is this</p> <p>15 the charge that you were just talking about?</p> <p>16 A. Yes -- no, no. I'm sorry. Oh, yeah,</p> <p>17 this is it.</p> <p>18 Q. It's two pages. Just for the record,</p> <p>19 it's Bates Defendant 8497 and 8498.</p> <p>20 A. Yes.</p> <p>21 Q. This is regarding flex time; is that</p> <p>22 right?</p> <p>23 A. Yes. Well, flex time schedule.</p> <p>24 Q. I won't get too much into that.</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. And you were reinstated?</p> <p>2 A. Yes, after I file this complaint with</p> <p>3 the EEOC.</p> <p>4 Q. You can say eventually. That is fine,</p> <p>5 too.</p> <p>6 A. Yes.</p> <p>7 Q. And you said you got \$22,000. Was that</p> <p>8 all of the backpay that you believe you were owed?</p> <p>9 A. It was.</p> <p>10 Q. Okay. So as you sit here, do you feel</p> <p>11 that you were put back into the position you would</p> <p>12 have been had you not been temporarily suspended?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. Because my character was damaged, and i</p> <p>16 actually was considering filing a lawsuit against</p> <p>17 the State's Attorney's Office and against juvenile</p> <p>18 probation.</p> <p>19 Q. But you didn't file a lawsuit, right?</p> <p>20 A. No.</p> <p>21 Q. Okay. But you got all of the money that</p> <p>22 you believed you were owed; is that right?</p> <p>23 A. Yeah, I got all of my money, vacation</p> <p>24 time, compensatory time back, yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Okay.</p> <p>2 Q. But that is your signature here on the</p> <p>3 bottom, first page?</p> <p>4 A. Yes.</p> <p>5 Q. And dated November 9, 2016?</p> <p>6 A. Yes.</p> <p>7 Q. What is the current status of this?</p> <p>8 A. They issued a right to sue letter. I</p> <p>9 decided not to pursue the charges against the</p> <p>10 department.</p> <p>11 Q. All right. So as you sit here today,</p> <p>12 you are not going to file a lawsuit? I won't hold</p> <p>13 you to it but --</p> <p>14 A. I'm not sure. I know that I have a</p> <p>15 certain window of time, but I do believe that I was</p> <p>16 treated differently because of my activities</p> <p>17 because I know other people --</p> <p>18 Q. Your activities involving complaints of</p> <p>19 discrimination, right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. I just want -- as you are sitting</p> <p>22 here, this is a true and correct copy of the charge</p> <p>23 that you filed, correct, the exhibit in front of</p> <p>24 you?</p>

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<p style="text-align: right;">Page 205</p> <p>1 MR. GEOGHEGAN: Exhibit 7?</p> <p>2 MR. HAYES: Exhibit 6 -- is it 7? Exhibit 7.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I believe so.</p> <p>5 BY MR. HAYES:</p> <p>6 Q. Okay. Outside of those two we just</p> <p>7 showed you, could you think of any other formal</p> <p>8 charges of discrimination that you filed against</p> <p>9 your employer?</p> <p>10 A. Probably the unfair labor practice</p> <p>11 charges that I filed with the Illinois Labor</p> <p>12 Relations Board.</p> <p>13 Q. Anything else with the EEOC or the IDHR?</p> <p>14 A. Not that I'm aware of.</p> <p>15 MR. HAYES: We are close-ish.</p> <p>16 MR. GEOGHEGAN: Off the record for a second.</p> <p>17 (WHEREUPON, discussion was had off</p> <p>18 the record and a certain document</p> <p>19 was marked Smith Deposition Exhibit</p> <p>20 No. 8, for identification.)</p> <p>21 BY MR. HAYES:</p> <p>22 Q. Mr. Smith, I have been handed what has</p> <p>23 been marked as Exhibit 8. I'll represent the title</p> <p>24 of this document is Theodis Chapman's Objections</p>	<p style="text-align: right;">Page 207</p> <p>1 pulled, but I will go through some other ones.</p> <p>2 They are not going to be as detailed. That is just</p> <p>3 to kind of give you a roadmap of where we are going</p> <p>4 here.</p> <p>5 A. Okay.</p> <p>6 Q. I want to look at No. 2, which starts on</p> <p>7 the bottom of the first page, and it just asks for</p> <p>8 each person who has knowledge of the facts</p> <p>9 underlying your claims against defendant. Then the</p> <p>10 answer is on the next page, the second page.</p> <p>11 You are listed there under A. You are</p> <p>12 also listed under B.</p> <p>13 A. Uh-huh.</p> <p>14 Q. And then the -- I want you to look at C.</p> <p>15 And some of these documents are listed here in this</p> <p>16 one. I think we have talked about them.</p> <p>17 The third line says, An e-mail sent by</p> <p>18 Alicia Ortiz to the union with regard to blacks.</p> <p>19 Do you see that? Third line of C.</p> <p>20 A. Okay.</p> <p>21 Q. Is that the e-mail that we were talking</p> <p>22 about already about what Ms. Caulfield said, or is</p> <p>23 there another e-mail?</p> <p>24 A. That is another e-mail.</p>
<p style="text-align: right;">Page 206</p> <p>1 and Answers to Defendant's Interrogatories. Do you</p> <p>2 see that on the first page?</p> <p>3 A. Yes.</p> <p>4 Q. Have you seen this document before?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. When did you see it?</p> <p>7 A. Maybe about a week ago.</p> <p>8 Q. Okay. Was that in conjunction with</p> <p>9 preparation for your deposition?</p> <p>10 A. No.</p> <p>11 Q. Okay. Why were you looking at this a</p> <p>12 week ago?</p> <p>13 A. I think I just saw it on the desk.</p> <p>14 MR. HAYES: I know. I was not planning on it.</p> <p>15 I'm going to drop that for now.</p> <p>16 BY MR. HAYES:</p> <p>17 Q. Mr. Smith, what I'm going to do is I'm</p> <p>18 going to go through some of the answers in here</p> <p>19 because they mention you quite a bit, and I'm just</p> <p>20 going to ask you some questions. Okay?</p> <p>21 A. Okay.</p> <p>22 Q. And I have these answers for each</p> <p>23 plaintiff, but I'm going to focus most on</p> <p>24 Mr. Chapman's because that is the first one that I</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Do you know what e-mail is referred to</p> <p>2 in this interrogatory answer?</p> <p>3 A. I believe the e-mail was sent in regards</p> <p>4 to blacks being favorites of the union, if I'm not</p> <p>5 mistaken.</p> <p>6 Q. Okay. Were you involved with the union</p> <p>7 when Ms. Ortiz sent this e-mail?</p> <p>8 A. I believe I was cc'ed on it or Mike</p> <p>9 Willis forwarded to me the document or the e-mail.</p> <p>10 But I do recall she was complaining about something</p> <p>11 that was taking place and that the blacks was the</p> <p>12 favorites of the union, which turned out not to be</p> <p>13 true.</p> <p>14 Q. Do you know if you have this e-mail in</p> <p>15 your possession?</p> <p>16 A. I believe I do.</p> <p>17 Q. On your work account?</p> <p>18 A. Yes.</p> <p>19 Q. Skip the first line here. Under C</p> <p>20 again, the documents include the original bid list</p> <p>21 and the modified bid list. Do you know what that</p> <p>22 is referring to?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. What is that referring to?</p>

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<p style="text-align: right;">Page 209</p> <p>1 A. It's the bid list that all probation 2 officers have to submit their names to in order to 3 transfer into a different unit. 4 Q. Okay. What is the difference between -- 5 as referred to here between the original and the 6 modified list? 7 A. The modified bid list, after there was a 8 complaint of discrimination, as I mentioned 9 earlier. The Jumpstart program was only one name 10 on the bid list. After the complaint was filed, 11 you can see that three sections of the bid list was 12 created to give the -- distinguish between each 13 position within the Jumpstart program. 14 Q. So your understanding is that this is 15 referring to the Jumpstart bid list, right? 16 A. There's only one bid list. Jumpstart 17 happens to be on that bid list. 18 Q. I see. So the modified bid list then 19 broke out different positions within Jumpstart, 20 right? 21 A. Which was initially not there. 22 Q. And you say "after the charges of 23 discrimination," are you referring to a lawsuit, 24 are you referring to a grievance? What are you</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. I just want you to look at those, and 2 were you involved in all of those grievances? 3 A. I was involved in Howard Brown, Lauren 4 Brown, Kaletha Seay, Joi Basley, Kenneth Greenlaw, 5 Theo Chapman, Ernest Boyd, Emily Pierce, Buford 6 Arrington, Jeannie Wells, Tasha Montgomery, 7 Fernando Johnson. Other individuals who are not -- 8 Q. You are going off the answer, which is 9 fine. I just want to be clear for the record that 10 those last two names were off the answer. That is 11 fine. 12 Going back to Ernest Boyd, he was 13 Mr. Greenlaw's partner, right? 14 A. Yes. 15 Q. And was terminated for the same reason 16 as Mr. Greenlaw? 17 A. Yes. 18 Q. Was he brought back or no? 19 A. No. 20 Q. Okay. And the last -- kind of the last 21 phrase here says, E-Mails between Jason Smith and 22 the following Michael Willis and Alicia Ortiz. Do 23 you see that is the last thing under C, second to 24 last line into the last line?</p>
<p style="text-align: right;">Page 210</p> <p>1 referring to? 2 A. I believe that it was after or it might 3 have been even after the complaint of 4 discrimination that they modified the bid list to 5 kind of give the perception that this program or 6 this position has always existed, but it was never 7 there. If you go back to the bid list beginning in 8 maybe 2014, '15, the Jumpstart program only has one 9 position. 10 Q. All right. 11 A. I'm sure you have the bid list there. I 12 could show you, if you have it. 13 Q. Oh, I don't have it. 14 A. Okay. 15 Q. I'm sure it's somewhere. There's so 16 many documents. Okay. We have -- still here on 17 2C, there's a list of names. We have Paul 18 Williams, Cheryl Anderson, and Argentry Mitchell. 19 Do you see them? 20 A. Yes. 21 Q. I am not concerned about them. I am 22 concerned about the grievances and EEOC charges 23 filed by, and then it lists several individuals. 24 A. Right.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Okay. 2 Q. Do you know what is being referred to 3 here when it says e-mails between you and those two 4 individuals? 5 A. I'm assuming the e-mail that he's 6 referencing is regarding Virginia Caulfield saying 7 that Christen Loeb would never be disciplined. 8 Q. Okay. Would you still have these 9 e-mails between Michael Willis and Alicia Ortiz in 10 your possession? 11 A. Yes. 12 Q. So it's safe to say that you don't 13 delete work e-mails; is that right? 14 A. No, because we are public servants, and 15 I believe that the public has a right to review our 16 e-mails. 17 Q. Okay. I want to look at Interrogatory 18 No. 3, and it's basically asking Mr. Chapman here 19 for all persons he talked about his claims in this 20 lawsuit other than his attorneys, and he listed the 21 EEOC investigator and he lists you. 22 This is where he says, The discussions 23 were on the phone and in my home. I believe we 24 talked about this earlier, but did you talk to</p>

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213-216

Page 213

1 Mr. Chapman about his claims of discrimination
2 prior to filing this lawsuit?
3 A. I believe we had discussions about it.
4 Q. Have you talked to him about his claims
5 in this lawsuit after he filed the lawsuit?
6 A. I believe that we have had discussions
7 about it.
8 Q. Okay. Do you recall when the last time
9 was you spoke to Mr. Chapman about the lawsuit?
10 A. Maybe over a month ago.
11 Q. Okay. And as long as an attorney was
12 not there, what did you talk about?
13 A. He just talked about the unfair
14 treatment that is getting to him, that I think it's
15 wearing on him. He's trying to do the best job he
16 can as far as the work that he's trying to produce,
17 yeah, and that he hopes that it is resolved soon,
18 that some reform is instituted within juvenile
19 probation.
20 Q. If you turn the page and look at No.
21 5 -- and I don't want to get into the question
22 unless you need it, but what it says here in the
23 answer, it says, I understand from Jason Smith that
24 Ed Walsh signed an affidavit capturing the comments

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1 that were made during his grievance hearing that
2 justified or indicated his punishment was designed
3 to head off complaints that white officer were not
4 disciplined as harshly. Do you see that?
5 A. Yes.
6 Q. And is this what we were talking about
7 previously, about Ed Walsh and the comments that
8 Mr. Williamson made?
9 A. William Patterson.
10 Q. William Patterson. I was close. Okay.
11 But that is what this is referring to, right?
12 A. Yes.
13 Q. Okay. There were no other comments that
14 Mr. Patterson made regarding Ed Walsh's discipline?
15 A. There was other comments, but that is
16 the particular one that kind of stuck out to me
17 because it kind of struck me that, especially him
18 being an African-American, that he would make that
19 type of comment and even in the presence of the
20 chief judge designee. So that kind of stuck out to
21 me, but there was other dialogue that took place.
22 Q. And I blame myself for the question.
23 A. Okay.
24 Q. Did Mr. Patterson, with Ed Walsh and you

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1 there, make other comments regarding the -- I guess
2 we can say, like, trumped up allegations against
3 white probation officers?
4 A. I mean, he -- I don't know if it's
5 relevant, but something about having fun or
6 something that he said. But, I mean, Ed Walsh, he
7 signed an affidavit, there was e-mails exchanged
8 between Ed Walsh and I because he was so upset that
9 the chief judge designee would allow him to make
10 that comment.
11 I think these particular issues,
12 especially when probationary officers know that
13 they have not done anything wrong, it causes undue
14 stress and it affects their mental capacity,
15 especially when you dedicate your life to a job
16 that you are only there to do, that you love.
17 Q. And it says you said this and it also
18 says it here, that e-mails were exchanged between
19 you and Mr. Walsh; is that right?
20 A. Yes.
21 Q. And you still have those?
22 A. Yes.
23 Q. Okay. No. 6. It's asking to identify
24 all instances of which you are aware, and it would

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1 be asking Mr. Chapman, where actions by white
2 officers did not receive the same discipline or
3 scrutiny as actions by African-American peers. And
4 then the answers on the next page, starting at the
5 top, and it says, I understand from Jason Smith
6 that white officers who are treated in a lenient
7 manner include, and then it lists several
8 individuals?
9 A. Uh-huh.
10 Q. Did you tell Mr. Chapman about these
11 individuals listed here?
12 A. We had conversations about these
13 individuals. As far as the accuracy of what is
14 written, there may be -- there may be one that
15 might not be right.
16 Q. Okay. Let me know. Which one is that?
17 A. I think it's Dina Randazzo. I'm not
18 sure if it was falsification of her work records,
19 but I do know that the department did discipline
20 her.
21 Q. So all of the officers listed here are
22 white; is that right?
23 A. Yes.
24 Q. Okay. And other than Dina Randazzo, you

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1 relayed to Mr. Chapman that all of these white
2 officers received more lenient treatment than
3 African-American officers; is that right?
4 A. Yes. Mr. Chapman was a steward, so he
5 was involved in the stewards' meetings, so he knew
6 about the information as well.
7 Q. I just want to clarify for the record,
8 and I'm going to ask your personal involvement or
9 just by reviewing the records. Okay?
10 A. Okay.
11 Q. You know where I'm going with that or
12 what I want, just whether or not you were involved
13 in the grievances or if you just --
14 A. Reviewed the records.
15 Q. -- reviewed the records. Okay. Kevin
16 Gavin?
17 A. Reviewed the records.
18 Q. Rosa Altamirano?
19 A. Reviewed the records.
20 Q. Christen Loeb?
21 A. Reviewed the e-mail.
22 Q. Paula -- I'm sorry. Go ahead.
23 A. There was no investigatory hearing.
24 Q. Paula Shanahan?

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1 A. Reviewed the records.
2 Q. And Brian Modjeski and William Pieroth?
3 A. William Pieroth is a deputy, so I would
4 not be involved in that matter. But Brian
5 Modjeski, I believe I was there. There was an
6 investigatory hearing that was conducted, and it
7 was stated that it was unfounded, that they would
8 not proceed with discipline to him regarding
9 Anthony Jordan.
10 Q. Just to be clear for the record, it says
11 those two are listed under no discipline in the
12 matter for which Anthony Jordan was fired, right?
13 A. Yes.
14 Q. What was Brian Modjeski's role in that
15 matter?
16 A. He was the supervisor.
17 Q. Mr. Jordan's direct supervisor?
18 A. Yes.
19 Q. Union employee?
20 A. Yes.
21 Q. And Mr. Pieroth was deputy?
22 A. Uh-huh. I'm sorry.
23 Q. That's fine. Long day. So he was not
24 unionized, right?

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1 A. No. He was Mr. Modjeski's direct
2 supervisor.
3 Q. Okay. Still staying on the answer to
4 No. 6, B, it says, I understand from Jason Smith,
5 and this is referring to Julie Montgomery. We
6 already talked about her, right?
7 A. Uh-huh.
8 Q. Joi Basley, we already talked about her,
9 right?
10 A. Uh-huh.
11 Q. Anthony Jordan, we already talked about.
12 Lauren Brown, we already talked about her, right?
13 She was in the complaint?
14 A. Yes.
15 Q. I don't think that Denise Dixon was in
16 the complaint. Was it your understanding that
17 Ms. Dixon got a last chance agreement?
18 A. She did not get a last chance agreement.
19 Q. Okay.
20 A. She got a major -- she got a 30-day
21 suspension.
22 Q. Okay. Were you involved in that
23 grievance?
24 A. No, reviewed the records.

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1 Q. Angela Stockdale, same question?
2 A. Reviewed the records.
3 Q. Okay. We already talked about Angela
4 Sneed Pierce. Is that the same person that we
5 talked about earlier?
6 A. No, that is a different person but
7 reviewed the records.
8 Q. So there's an Angela Sneed and an Angela
9 Sneed Pierce?
10 A. Yes. There's an Angela Stockdale and
11 then an Angela Sneed Pierce. That is her married
12 name. Angela Sneed Pierce is the same Angela
13 Sneed.
14 Q. Okay. That we talked about already?
15 A. Yes.
16 Q. That is all I wanted to know. Augustus
17 Sanford?
18 A. Reviewed his records.
19 Q. And it says the grievances filed in
20 these cases provide the relevant documents relating
21 to those allegations. Do you know where these
22 grievances would be found?
23 A. I have the majority of the grievances.
24 Also, the union should have them, too, and the

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<p style="text-align: right;">Page 221</p> <p>1 department.</p> <p>2 Q. How long does the union keep the</p> <p>3 grievances for?</p> <p>4 A. Again, when I first became vice</p> <p>5 president and president, all of the paperwork was</p> <p>6 thrown into a tote, multiple totes and a box, so</p> <p>7 I'm assuming that Council 31 -- I don't know if</p> <p>8 they keep them or not, but I would hope that the</p> <p>9 local would keep them.</p> <p>10 Q. Okay. Let's look at Interrogatory</p> <p>11 No. 7. Again, I just want to focus on the answer</p> <p>12 starting on the third line at the end, it says, I</p> <p>13 understand from Jason Smith that other officers</p> <p>14 were not allowed transfers to other units when</p> <p>15 their units were closed. These units were made up</p> <p>16 largely of African-American officers, whites in</p> <p>17 closed units could transfer. For example,</p> <p>18 comparators include Susan Patla and Susan Curcio,</p> <p>19 white officers who could and did transfer to other</p> <p>20 units when their own largely white units were</p> <p>21 closed.</p> <p>22 We already talked about Susan Patla,</p> <p>23 right?</p> <p>24 A. Uh-huh.</p>	<p style="text-align: right;">Page 223</p> <p>1 They was talking about bringing her back into the</p> <p>2 building. Irene Porter's position was eliminated.</p> <p>3 They was talking about closing down the Jumpstart</p> <p>4 program at one point. They also was talking about</p> <p>5 closing the George unit, which is particularly made</p> <p>6 up of African-American probation officers as well.</p> <p>7 They closed down the duly involved unit, and, yeah,</p> <p>8 I would have to review.</p> <p>9 Q. That is fine. I just want to be clear</p> <p>10 on one thing. It says here that Mr. Chapman</p> <p>11 learned from you that other officers were not</p> <p>12 allowed transfers to other units, when their units</p> <p>13 were closed.</p> <p>14 Outside of Chapman and Nelson, were</p> <p>15 there any other specific African-American officers</p> <p>16 that were not allowed to transfer when their units</p> <p>17 were closed?</p> <p>18 A. I mean, to be quite honest with you,</p> <p>19 that does not make sense because if their unit is</p> <p>20 closed, then where would they go?</p> <p>21 Q. That is what I'm trying to figure out.</p> <p>22 A. So I'm not sure if that is not stated</p> <p>23 correctly or not. Maybe I'm not reading it</p> <p>24 correctly.</p>
<p style="text-align: right;">Page 222</p> <p>1 Q. Sorry. You just have to say yes.</p> <p>2 A. Yes. I'm sorry.</p> <p>3 Q. Or no. And her unit was closed when she</p> <p>4 transferred?</p> <p>5 A. No.</p> <p>6 Q. All right. Susan Curcio, white?</p> <p>7 A. Yes.</p> <p>8 Q. Was her unit closed?</p> <p>9 A. No.</p> <p>10 Q. But she transferred?</p> <p>11 A. Yes.</p> <p>12 Q. Were you involved in that transfer?</p> <p>13 A. No.</p> <p>14 Q. Reviewed documents?</p> <p>15 A. Yes. I was involved in Susan Patla.</p> <p>16 Q. Do you know what units were closed that</p> <p>17 were made up largely of African-American officers?</p> <p>18 A. Irene Porter's unit was closed. It was</p> <p>19 merged together. There were several other units,</p> <p>20 and I can't recall right off the top of my head</p> <p>21 that were being proposed to close or have certain</p> <p>22 supervisors impacted, particularly people like</p> <p>23 Grant Carter, who is African-American, who is</p> <p>24 probably the only African-American on the scope.</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. You can read it. It starts on the</p> <p>2 previous page at the bottom.</p> <p>3 A. When their own largely white unit was</p> <p>4 closed. So you are saying that these units are</p> <p>5 made up largely of African-American officers,</p> <p>6 whites in closed units could transfer.</p> <p>7 Q. There needs a period there. I don't</p> <p>8 know.</p> <p>9 MR. GEOGHEGAN: It might need restructuring.</p> <p>10 BY MR. HAYES:</p> <p>11 Q. That's fine. I'm not trying to call out</p> <p>12 any typos. I'm just trying to figure out what is</p> <p>13 being said here and what you conveyed to</p> <p>14 Mr. Chapman.</p> <p>15 A. What I probably conveyed to Mr. Chapman</p> <p>16 is that you have largely white units that had no</p> <p>17 particular function, that the department was trying</p> <p>18 to justify to the union as to why they were not</p> <p>19 putting them on the table in order to have them</p> <p>20 impacted.</p> <p>21 Q. When you say "putting them on the</p> <p>22 table," what does that mean?</p> <p>23 A. It means bargaining. If the union is</p> <p>24 bringing up certain units and we are saying, Well,</p>

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1 if you want to impact these bargaining members, can
2 you tell us why this unit is not being introduced
3 compared to the African-American unit that is being
4 introduced and what justification can you provide
5 to the union for closing this particular unit.
6 Particularly like, let's say the Street
7 Dreams program. The Street Dreams program is made
8 up of African-American males who helped over 1,000
9 kids get jobs, and it was so successful. It was
10 recognized by the media. All of our kids was
11 getting jobs. They was staying out of trouble, was
12 not picking up any new cases. They was employed
13 and suddenly they restructured and closed that
14 particular program down.
15 But then you have the art therapy unit
16 that is made up of mostly white officers that our
17 kids wasn't benefitting from this program. As a
18 probation officer, especially a field officer who
19 services these clients, how can you tell us that a
20 program that was employing our kids compared to a
21 program that is not impacting our kids should not
22 be put on the table to bargain. So they would take
23 that particular officer, maybe fulfill a need in
24 another section of the department, and keep those

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1 white officers in their unit without closing them
2 down.
3 Q. Okay.
4 A. I know it's a lot.
5 Q. That's fine. Was it Street Dreams unit?
6 A. Street Dreams.
7 Q. I just want to know, when did that
8 happen?
9 A. I believe it was 2015, maybe '16.
10 Q. And so that was closed down, that unit?
11 A. It was restructured.
12 Q. Restructured.
13 A. That is the department's favorite term.
14 Q. Were any of the -- and you -- strike
15 that.
16 You testified it was largely
17 African-American employees, right?
18 A. It was the only African-American male
19 there.
20 Q. Pardon me?
21 A. He was the only African-American male
22 there. Like, he was the program.
23 Q. Oh, it was just one person?
24 A. Yes.

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1 Q. Got it. And what was his name?
2 A. Mr. Ed Alexander.
3 Q. And then what happened to Mr. Alexander
4 when it was restructured?
5 A. He retired.
6 Q. Do you know if Mr. Alexander asked to be
7 transferred anywhere else?
8 A. No. But I do know that he called me
9 upset about what they was doing and decided that
10 this might be a good time for him to leave the
11 department.
12 Q. Okay. So we have Jumpstart
13 restructured, right?
14 A. Yes.
15 Q. Street Dreams restructured, right?
16 A. Yes.
17 Q. What else during the relevant time
18 period, 2012 and now, that other unit departments
19 were restructured, if you know, that actually were
20 restructured?
21 A. I believe there was a unit that was
22 merged with certain police districts that was kind
23 of merged together to keep white probation officers
24 within their unit to justify their caseload. So

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1 like my particular unit covers the 10th and 11th
2 District. Whereas, a particular unit may only
3 cover the 9th District, and if they don't have a
4 steady flow of cases coming through, you have some
5 probation officers that may have seven or six
6 cases. So in order to justify not impacting them
7 and allowing them to stay in their unit, they will
8 merge certain units together to keep those
9 probation officers in their positions. Because a
10 lot of probation officers, they are big into
11 positions, particularly if it's close to their
12 home. So if the white officers live north, of
13 course they would want to service the north area.
14 Whereas, a black probation officer lives south or
15 the west, he would possibly be into those units.
16 Q. Okay.
17 A. And sometimes you are forced to go to a
18 certain area.
19 (WHEREUPON, a certain document was
-10:-22:-47 marked Smith Deposition Exhibit
-10:-22:-47 No. 9, for identification.)
-10:-22:-47 BY MR. HAYES:
23 Q. Okay. Mr. Smith, you have been handed
24 what has been marked as Exhibit 9 very similar to

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<p style="text-align: right;">Page 229</p> <p>1 what we have just been talking about. These are 2 the interrogatory answers of Kenneth Greenlaw. 3 If you could turn to No. 10, which looks 4 like it's going to be -- No. 10. Are you on that 5 one? 6 A. You said page what? 7 Q. Interrogatory No. 10. There's no page 8 numbers on here. It's a few pages in. 9 A. Okay. 10 Q. It begins, In relation to Paragraph 63 11 of your complaint. Do you see that? 12 A. Uh-huh. 13 Q. Just to make sure that we are on the 14 same page. Just because we are talking about this 15 because the answer says, I understand from Jason 16 Smith. Do you see that down below? 17 A. Uh-huh. 18 Q. Is that a yes? 19 A. Yes. I'm sorry. 20 Q. All right. The answer here says, I 21 understand from Jason Smith that others who worked 22 at IPS, as I did, also failed to complete the 23 vehicle inspection forms on a regular or consistent 24 basis. Do you see that?</p>	<p style="text-align: right;">Page 231</p> <p>1 Q. It says further, Jason Smith requested 2 all the vehicle inspection forms and went through 3 all of them. Is that a true statement? 4 A. Yes. 5 Q. And it says here, what you just 6 testified to, Jason Smith presented such 7 information in the grievance hearings? 8 A. Yes. 9 Q. And you did do that? 10 A. Yes, at all steps, including Office of 11 the Chief Judge? 12 Q. Steps 1 through 4? 13 A. Yes. 14 Q. Okay. Outside of what it says here in 15 this answer about reviewing the vehicle inspection 16 forms -- let me rephrase that because line 4 says, 17 But Jason Smith presented such information in the 18 grievance hearings. I want to know exactly what 19 information you presented at the grievance 20 hearings? 21 A. I presented, again, the statistics of 22 African-Americans being suspended and terminated. 23 I presented information about particular white 24 probation officers, what type of discipline that</p>
<p style="text-align: right;">Page 230</p> <p>1 A. Yes. 2 Q. Did you tell Mr. Greenlaw this? 3 A. I presented it at the grievance hearing, 4 yes. 5 Q. What does IPS mean? 6 A. Intensive probation supervision. 7 Q. And that is a unit within the 8 department, right? 9 A. Yes, it's a specialized unit. 10 Q. Okay. And does your knowledge of this, 11 what's alleged here, that others who worked in IPS 12 failed to complete the vehicle inspection forms, is 13 that from review of the documents or from personal 14 knowledge? 15 A. I guess it's my personal knowledge 16 because I reviewed the documents that the 17 department gave to me. 18 Q. All right. Let me ask it a different 19 way. Were you ever involved outside of 20 Mr. Greenlaw and Mr. Boyd in any grievances 21 involving failure to complete vehicle inspection 22 forms? 23 A. There was no other investigatory 24 hearings, so no.</p>	<p style="text-align: right;">Page 232</p> <p>1 they received. I also presented vehicle inspection 2 forms showing that it was a widespread issue even 3 with myself, that being a probation officer and 4 especially working in a high-risk neighborhood, 5 like Englewood, Lawndale, sometimes you are not too 6 concerned about the vehicle inspection forms, you 7 are more concerned about your safety, and sometimes 8 getting back home and to the building is your 9 number one priority. And oftentimes, especially me 10 being in home confinement, that at times I would 11 forget to complete the vehicle inspection form. I 12 did not understand how that impacted the 13 department, per se, but they used it as a reason to 14 justify the discipline for Mr. Greenlaw, despite 15 the fact that I brought it up that other officers 16 who are in the specialized units, especially IPS, 17 was not completing those forms. 18 Q. And you are saying that you sometimes 19 did not complete those forms? 20 A. Yeah. 21 Q. Were you ever disciplined for that? 22 A. No. My supervisor would give me an 23 opportunity to make it up, so I'm not sure if 24 Mr. Greenlaw was given that opportunity or even if</p>

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1 it was brought to his attention because he never
2 received any memo saying that he did not do X, Y,
3 and Z and -- yeah. But we are talking about almost
4 13 years ago, me being in home confinement. I
5 don't use a county car. I actually use my own
6 personal vehicle to conduct my field visits.
7 (WHEREUPON, a certain document was
-10:-22:-47 marked Smith Deposition Exhibit
-10:-22:-47 No. 10, for identification.)
-10:-22:-47 BY MR. HAYES:
11 Q. Mr. Smith, you have been handed
12 Exhibit 10. This is another set of
13 interrogatories. This one answered by Anthony
14 Jordan?
15 A. Uh-huh.
16 Q. Same drill as before. Just ask you a
17 few questions. Let's go to Interrogatory No. 6?
18 A. Okay.
19 Q. So this question is asking Mr. Jordan
20 about a certain paragraph, which you have already
21 actually talked about in the complaint, that says,
22 Actions by white officers did not receive the same
23 discipline or scrutiny as actions by their
24 African-American peers.

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1 And then the answer says, I have no
2 firsthand knowledge but I received my knowledge
3 from Mr. Smith. Do you see that?
4 A. Yes.
5 Q. And I'm paraphrasing, but is that true,
6 basically what it says there?
7 A. Yes.
8 Q. Go ahead.
9 A. Okay.
10 MR. GEOGHEGAN: There's no question pending.
11 MR. HAYES: I thought you like him to talk,
12 Tom. Just kidding.
13 MR. GEOGHEGAN: Off the record.
14 (WHEREUPON, discussion was had off
15 the record.)
16 BY MR. HAYES:
17 Q. What I want to -- why I pointed you to
18 this answer is what I'm looking for is, outside of
19 what we have already talked about today -- because
20 we are getting close to wrapping everything up --
21 it says -- so the allegation in the complaint was
22 white officers did not receive the same discipline
23 or scrutiny as African-American officers, right?
24 A. Uh-huh.

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1 Q. And we've talked about that a lot today.
2 A. Yes.
3 Q. Is there anything else that we have not
4 talked about today that you want to add regarding
5 the disparity of discipline -- strike that.
6 Specific examples. I don't want your
7 opinion. I want specific examples of disparity in
8 discipline -- I don't want you to guess or
9 speculate -- that you can think of sitting here.
10 I'm looking at the documents and everything, but
11 I'm just trying to cover all bases here.
12 Is there anything that -- specific
13 individuals that we have not talked about today
14 that jump into your mind now as we sit here?
15 A. Not particularly. I mean, the mere fact
16 that these plaintiffs are citing me is accurate
17 because no probation officer would have access to
18 the data unless they make a request or put in a
19 request for information. So each particular
20 officer would not know what any other officer
21 received as far as discipline unless their union or
22 their legal rep provided them with the information.
23 Q. And you know this information because as
24 a union rep, you asked for it, right?

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1 A. I had to fight for it, yes.
2 Q. But you asked for it, right?
3 A. Yes.
4 Q. And you received it eventually, right?
5 A. Yes.
6 Q. And you still have it in your
7 possession, right?
8 A. Yes. And I was involved directly in the
9 majority of them.
10 Q. Next page is No. 8. And, again, this is
11 going to be very similar to what we just talked
12 about. So the question is asking about
13 paragraph 46 of the complaint, disparate treatment
14 of juvenile probation officers, and then it says --
15 the answer here, last sentence, It is from Jason
16 Smith and his examination of disciplinary records
17 that I have knowledge of the breadth of the
18 racially disparate discipline. Do you see that?
19 A. Yes.
20 Q. And that is basically the answer that
21 you just gave, right?
22 A. Yes.
23 Q. All right. Go a couple pages to
24 Interrogatory No. 14. It is asking about

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<p style="text-align: right;">Page 237</p> <p>1 paragraph 56 of the complaint, and again, I just 2 want to focus on the first sentence here, I rely on 3 Jason Smith's compilation of racially disparate 4 discipline. Do you see that? 5 A. Yes. 6 Q. Okay. Other than what we have talked 7 about today, did you do any other compilation of 8 racially disparate discipline? 9 A. What do you mean? 10 Q. So this is Mr. Jordan's answer, so I 11 know that you did not -- you are not answering it, 12 but he's saying that he relied on your compilation 13 of racially disparate discipline, and we talked a 14 lot about the union compiling data and all of those 15 numbers. 16 Did you do any other compilation that 17 you believe maybe Mr. Jordan is referring to here? 18 A. I don't believe so at this time. I 19 would have to review my records, but I did talk 20 about the number of investigations or investigatory 21 hearings that was taking place. I'm not sure if 22 that -- 23 Q. I don't want you to guess what he's 24 answering here.</p>	<p style="text-align: right;">Page 239</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 I, KRISTIN C. BRAJKOVICH, a Certified 5 Shorthand Reporter of said state, do hereby 6 certify: 7 That previous to the commencement of the 8 examination of the witness, the witness was duly 9 sworn to testify the whole truth concerning the 10 matters herein; 11 That the foregoing deposition transcript 12 was reported stenographically by me, 13 was thereafter reduced to typewriting under my 14 personal direction and constitutes a true record 15 of the testimony given and the proceedings had; 16 That the said deposition was taken 17 before me at the time and place specified; 18 That I am not a relative or employee 19 or attorney or counsel, nor a relative or 20 employee of such attorney or counsel for any of 21 the parties hereto, nor interested directly or 22 indirectly in the outcome of this action. 23 IN WITNESS WHEREOF, I do hereunto set my 24 hand and affix my seal of office at Chicago,</p>
<p style="text-align: right;">Page 238</p> <p>1 A. Okay. 2 Q. Yeah. Sometimes statements, answers 3 allow me to ask a question about a fact, and that 4 is all I wanted. 5 A. Okay. 6 MR. HAYES: That's it. 7 MR. GEOGHEGAN: No questions. 8 THE REPORTER: Signature? 9 MR. GEOGHEGAN: We'll probably waive it, but 10 let me get back to you on that. Okay. 11 FURTHER DEPONENT SAITH NOT. 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 240</p> <p>1 Illinois, this 5th day of October, 2017. 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <div style="text-align: center;">  C.S.R. Certificate No. 84-3810. </div>

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1	I N D E X	
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4	By Mr. Hayes	3
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7		
8	E X H I B I T S	
9	NUMBER	PAGE
10	Smith Deposition Exhibit	
11	No. 1	24
12	No. 2	40
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17	No. 7	203
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